

FINE ARTS POLICIES AND PROCEDURES

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Executive Summary

The Fine Arts Policies and Procedures is intended to be a guide and a resource for all General Services Administration (GSA) staff--at the national, regional, and field levels--who are involved in the care of the Fine Arts Collection.

This document is a compilation of best practices for the care of artworks, directives from the Office of the Inspector General's 1994 audit of the Public Buildings Service (PBS), and applicable Federal laws.

1. Introduction includes information on the goals, responsibilities, and roles of Fine Arts Program staff in Central Office (CO) and the regional offices.

2. The Collection defines the scope of the Fine Arts Collection and how artwork is accessioned (brought into the collection) and deaccessioned (removed from the collection).

3. Use of Artworks in the Collection details GSA's commitment to install artworks permanently, the criteria for relocating artworks, the requirement for public access, occasions for temporary installation, loan procedures, and how and when images of artworks in the collection can be reproduced.

4. Care of the Collection explains the cyclic maintenance as well as the conservation of artworks, the review that must occur if public spaces in GSA-owned buildings are altered or other artwork is placed in those spaces, the importance of providing information about the artworks to employees and the public, and procedures for incorporating artwork in each region's Continuity of Operations Plan (COOP).

5. Samples Forms, Worksheets and Correspondence includes samples to be used by GSA employees in CO and regional offices. The forms are cross referenced to the relevant section of the policy.

Appendices provide greater detail, background, and legal opinions related to the Fine Arts Collection.

1. Introduction

1.1. Mission and Vision Statements

1.1.1 Fine Arts Program Mission

The Fine Arts Program provides national leadership and expertise in fine art care and policy for GSA's Fine Arts Collection. The program seeks to manage the Fine Arts Collection at the highest ethical and stewardship standards; to ensure the preservation, legal compliance, accessibility, and understanding of the Fine Arts Collection; and to contribute to creating high-quality Federal buildings for Federal employees and the public they serve.

1.1.2. Vision

By preserving the legacy of Federal art and the built environment, the Fine Arts Program fosters an appreciation of the importance of creative freedom and inspires future generations to add their expressions to American democracy.

1.2. Adherence to Ethical Standards

In all practices and procedures, the Fine Arts Program seeks to uphold the rigorous ethical codes established by the American Association of Museums (AAM) (www.aam-us.org) and the International Council of Museums (ICOM) (<http://icom.museum/>).

1.3. The Fine Arts Program

1.3.1. Fine Arts Program Within GSA

The Fine Arts Program is managed by the Design Excellence and the Arts Division, located in the PBS's Office of Design and Construction Program, Office of the Chief Architect (OCA) in GSA's Central Office CO. PBS is responsible for providing safe environments, quality facilities, and sound management of the Federal Government's real property assets. PBS directs the Federal Government's multibillion-dollar civilian building program, which includes construction, historic preservation, renovation, alteration, and repair of Federal office buildings, courthouses, land ports of entry, and other facilities. The Design Excellence and the Arts Division is composed of three interrelated programs: Design Excellence, Art in Architecture, and Fine Arts.

For the purpose of this document, routine matters can be handled by OCA and do not require the approval of the PBS Commissioner.

1.3.2. Regional Fine Arts Officers

Each of GSA's 11 regions has at least one regional fine arts officer (RFAO). The RFAOs, with assistance from the Fine Arts and Art in Architecture Program staffs, are responsible for all art activities, including, but not limited to, regional project management for art commissions, inventory, and maintenance and conservation oversight.

1.3.3. Responsibilities of the Fine Arts Program

The Fine Arts Program in CO is responsible for safeguarding the Fine Arts Collection against waste, loss, unauthorized use, and misappropriation. (Hereafter in this document, Fine Arts Program refers to CO in Washington, D.C.) Responsibilities include:

- Developing and implementing collections policy for the management of the Fine Arts Collection.
- Conducting inventory, assessment, and conservation of all artwork.
- Allocating CO funds for conservation services.
- Administering all works of art on loan.
- Maintaining the national central archives.
- Researching and interpreting artwork in the collection.
- Developing training, educational, exhibit, and outreach programs for GSA, other Federal agencies, and the general public.
- Determining the need for peer reviews and acting as liaison with the National Register of Peer Professionals.
- Make final determinations for routine matters that would otherwise go to the PBS Commissioner.

The RFAOs are responsible for the Fine Arts Program activities in each region. Responsibilities include:

- Implementing collections policy within their region.
- Inspecting artwork biennially.
- Managing conservation projects within their region and serving as liaison with the Fine Arts Program.
- Coordinating and completing cyclic maintenance for installed works of art.
- Coordinating handling, protection, conservation, and other concerns related to art when building modernizations or disposals in a region involve artworks in the Fine Arts Collection.
- Managing Art in Architecture projects for the region.
- Developing the regional fine arts emergency preparedness plan.
- Forwarding copies of all reports related to artworks to the Fine Arts Program for the central archives.
- Serving as regional experts on fine arts issues.

References and Authorities

40 U.S.C. 101 et seq., formerly the Federal Property and Administrative Services Act of 1949 (the Property Act), provides GSA with the authority to procure and supply real and personal property and nonpersonal services. It also transferred all functions of the Federal Works Agency, including artwork from the Works Progress Administration (WPA), to GSA.

The Federal Managers Financial Integrity Act of 1982 (31 U.S.C. 3512), as implemented by OMB Circular No. A-123, Management Accountability and Control, establishes procedures for internal financial and managerial accountability and control. Section 2 (ii) states, “funds, property, and other assets are safeguarded against waste, loss, unauthorized use, or misappropriation.” Internal controls and risk assessments require that GSA’s Fine Arts Collection is properly maintained, accounted for, and accessible to the American people. The director for Design Excellence and the Arts Division with the managers for the Art in Architecture Program and the Fine Arts Program is responsible for this role for GSA.

2. The Collection

2.1. Scope of the Fine Arts Collection

The Fine Arts Collection includes works of art integral to the architecture of GSA Federal buildings, including those acquired through the Art in Architecture Program, portable works of art created under the Federal patronage of the New Deal art projects, Art in Architecture artist proposals, Design Excellence architectural models, and existing artworks that relate to or add to the understanding of the works already in the collection. (See appendix D for a history of the Fine Arts Program.)

The collection does not include:

- Decorative arts, such as furniture and light fixtures (unless commissioned through the Art in Architecture Program).
- Architectural ornamentation or details, such as historic mosaic flooring, stenciled borders, ceiling medallions, coffered ceilings, cast eagles, and ornamental molding (unless commissioned through the Art in Architecture Program).
- Commemorative works of art, such as busts, statues, and portraits.
- Artwork purchased for office space, such as reproduction prints and posters.
- Artworks that give the appearance of personal, commercial, or political endorsement.

2.2. Description of the Fine Arts Collection

The Fine Arts Collection consists of permanently installed and moveable mural paintings, sculpture, architectural, or environmental works of art, and works on paper located in Federal buildings and courthouses across the United States. An additional 18,000 small moveable New Deal works of art are on long-term loan to museums and other nonprofit institutions.

2.3. Accessioning Artworks Into the Fine Arts Collection

Accessioning is the formal process of adding artworks to the collection. Artworks can be added to the collection in a number of ways, as outlined in sections 2.3.2 through 2.3.7. The program does not actively seek out artworks.

References and Authorities

The Public Buildings Act of 1959, as amended (40 U.S.C. 3175), authorizes the Administrator of General Services to accept unconditional gifts of real, personal, or other property in aid of any GSA

project or function. Under the GSA Delegations of Authority Manual, ADM P 5450.39C (CHGE 35), chapter 17, paragraph 2(q), the Administrator has delegated to the Commissioner of PBS the authority to accept such gifts on behalf of GSA. Regional Administrators are not authorized to accept gifts on behalf of GSA.

The Federal Management Regulations (FMR), 41 CFR 102, Sections 35-39, define requirements for the utilization, donation, and sale, abandonment, or destruction of personal property.

Section 106 of the National Historic Preservation Act (16 U.S.C. 470) (NHPA) mandates that Federal agencies identify historic properties that may be affected by their projects, take historic properties into account when planning an undertaking, and allow the State Historic Preservation Office, certified local governments, and the Advisory Council on Historic Preservation a reasonable opportunity to comment on Federal projects that have the potential to affect historic properties. This process may be lengthy and must be initiated as early as possible (41 CFR 78).

41 CFR 102-77--Art-in-Architecture establishes that Federal agencies must incorporate fine arts as an integral part of the total building concept when designing new Federal buildings and when making substantial repairs and alterations to existing Federal buildings, as appropriate.

2.3.1. Collection Criteria

The following conditions must be met for a work to be considered for accession into the collection:

- The artwork is consistent with the scope of the collection and has importance within the context of the Fine Arts Collection.
- The artwork is significant and merits inclusion. Significance is determined by evaluating the artwork's historical importance, aesthetic merit, and rarity.
- The provenance of the artwork has been investigated and clear title is obvious.
- GSA has the ability to care for the artwork and appropriate exhibition or storage space has been identified.
- The gift to GSA is unconditional. Artwork is only accepted without restrictions on the title, exhibit, or placement.

2.3.2. Art in Architecture Program

The Art in Architecture Program is the Fine Arts Program's means of acquiring new works of art. The Art in Architecture process serves as the formal approval for inclusion in the Fine Arts Collection.

Artists' proposals for Art in Architecture commissions are also added to the Fine Arts Collection. These proposals may come in the form of maquettes, models, sketches, renderings, or other media. After presentation to the Art in

Architecture panel, the RFAO must submit the proposal materials to the Fine Arts Program for inclusion in the collection.

Art in Architecture commissions are included in new construction, modernization, and repair and alteration projects. Art in Architecture funding is used to commission new artwork for these Federal buildings and courthouses, as well as to conserve existing artwork. In historic buildings, funds may be used to reproduce existing or lost ornamentation and decorative elements if not needed for art conservation.

2.3.3. Asserting Title on New Deal Works

During the New Deal era, the Federal Government administered four public art programs: the Public Works of Art Project, the Works Progress Administration Federal Art Project, the Treasury Relief Art Project, and the Section of Fine Arts. Between 1933 and 1942 these programs produced thousands of federally owned sculptures, murals, easel paintings, and prints.

In 1934, the Federal Government initiated a program of indefinite loans of portable New Deal works of art to museums, schools, historical societies, hospitals, and other nonprofit agencies. Using these program records, GSA continues to update the initial agreements.

Records of some agreements, and subsequently the whereabouts of some individual works, were not transferred to GSA. As these artworks are identified, they are assessed and processed through the Fine Arts Program.

Artworks determined to be Federal property, whether found in public or private custody, are inventoried by the Fine Arts Program staff to demonstrate Federal ownership. Agreements for artwork in eligible institutions are brought up to date (see section 3.3). Fine Arts Program staff identifies appropriate, publicly accessible repositories for the artworks that had previously been in private custody.

(For more information see Legal Title to Art Work Produced Under the Works Progress Administration, appendix H.)

References and Authorities

Legal Title to Art Work Produced Under the Works Progress Administration from GSA's Office of General Counsel.

40 U.S.C. 101 et seq., formerly the Federal Property and Administrative Services Act of 1949 (the Property Act), provides GSA with the authority to procure and supply real and personal property and

nonpersonal services. It also transferred all functions of the Federal Works Agency, including New Deal artwork, to GSA.

The Postal Reorganization Act, as amended, (39 U.S.C. 101 et seq.) of August 12, 1970, provided for the transfer of selected Federal properties from GSA (and other agencies) to the Postal Service. Included in this transfer was “all real property 55 percent or more of which is occupied by or under the control of the former Post Office Department . . .” (39 U.S.C. 2002(c).)

2.3.4. Donation of Artwork From Non-Government Sources

Occasionally artworks are offered to GSA. The donation must be unconditional. Whether initially offered to a regional office or CO, the Fine Arts Program staff must assess the artwork based on the collection criteria. If the staff and the director of Design Excellence and the Arts Division determine the work is appropriate for the collection, a recommendation to accept is reviewed by the Chief Architect and then forwarded to the Commissioner of PBS. The Commissioner has the delegated authority from the Administrator to accept donations on behalf of GSA in accordance with 40 U.S.C. 3175.

NOTE: In accordance with 40 U.S.C. 3175, Regional Administrators are not authorized to accept gifts on behalf of GSA.

For artworks not accessioned into the Fine Arts Collection, see notes in sections 2.3.7 and 4.2.1.

For procedures related to the placement of artworks other than those in the Fine Arts Collection in Federal buildings, see section 4.2.

2.3.5. Artwork Transferred From Other Federal Agencies

Works of art may be transferred from other Federal agencies to GSA. The Chief Architect has the authority to approve the accessioning of artwork based on the collection criteria.

2.3.6. Design Excellence Architectural Models

Architectural models used in concept presentations may be added to the Fine Arts Collection at the discretion of the director of Design Excellence and the Arts.

2.3.7. Artwork Accepted Through Building Acquisition

Works of art that accompany newly acquired buildings may be accessioned into the Fine Arts Collection. The RFAO must inform the Fine Arts Program manager when GSA acquires a building with existing artwork. Works of art created under the New Deal fine arts programs clearly fit the scope of the collection and are

accessioned. Fine Arts Program staff evaluates the accessioning of other works of art according to the collection criteria. Because the artwork under consideration is the property of GSA, the Fine Arts Program staff evaluates the appropriateness of the work of art and makes a recommendation to the director of Design Excellence and the Arts on whether or not the work of art warrants accession into the Fine Arts Collection. The Chief Architect decides if the artwork will be accessioned.

NOTE: Nonacceptance of an artwork into the Fine Arts Collection does not relieve GSA or regional staff of responsibility for the work. It is considered real property if it is part of the fabric of the building; it is considered personal property if it is movable. The regional office directly responsible for the building will be the steward of the artwork and is required to fund its protection, maintenance, and any conservation of the work that may be required. (For responsibilities for artwork that is not owned by GSA but is in a GSA-owned building, see section 4.2.) 41 CFR 102-71.20 details the definitions that apply to GSA's real property policies.

NOTE: Commemorative works of art, such as portraits, statues, or busts, do not support the mission or the scope of the collection and will not be accepted as donations to the collection. In addition, artwork that gives the appearance of personal, commercial, or political endorsement will not be accepted.

2.3.8. Accessioning Procedure

The Fine Arts Program is responsible for formally accessioning artworks and assigning accession numbers. RFAOs must submit a request to accession an artwork to the Fine Arts Program manager, who, following the OCA review, informs the RFAO of the decision and, if accepted, accession-related information, such as the accession number and plaque information.

RFAOs must include the following information for all artworks being proposed for accessioning (see section 5.1.1 for accession worksheet):

- Artist's name.
- Title of work.
- Date of creation.
- Dimensions.
- Edition number (if applicable).
- Medium (list material specifications if possible).
- Provenance.
- Current location.

- Visual images.
- A condition assessment by a professional conservator, when possible.
- Artist statement and intent, when possible.
- Brief narrative explaining how the work fits the collection; include any other relevant information (e.g., whether the work will need to be shipped).

Based on the source of the acquisition (see sections 2.3.2 through 2.3.7), the RFAO must include the following information in the request:

A. Art in Architecture

For Art in Architecture works and project materials:

- The final presentation materials generally become the property of GSA at the final presentation. RFAOs should take possession of them at that time and make arrangements to have them shipped to CO for accessioning by the Fine Arts Program staff (RFAOs must refer to the artist's contract for details on individual projects).
- The completed artwork is automatically accessioned upon acceptance by the Government.

B. New Deal

If a New Deal work of art is offered for sale or reported to regional staff, the RFAO must notify the Fine Arts Program manager.

For asserting title on New Deal works:

- Contact information for individual currently in possession of the work.
- Method of discovery (e.g., found on eBay, contacted by individual).

C. Donations

For donations from non-Government sources:

- Proposed location for work.
- Contact information for and relevant correspondence from potential donor.

D. Transfers

For transfers from other agencies:

- Contact information for agency representative.
- Proposed location for work.

If accepted, CO staff completes a GSA Form 525 (Property Transfer Authorization) documenting the transfer and provides a copy to the region for its files.

E. Architectural Models

For Design Excellence architectural models:

- The concept presentation materials generally become the property of GSA at the Commissioner's concept presentation at CO in Washington, DC. The OCA program coordinator should take possession of the materials at that time and turn them over to the Fine Arts Program manager for accessioning (OCA program coordinator must refer to the specific contract for details on individual projects).

F. Building Acquisitions

For building acquisitions:

- Complete inventory of artworks in a newly acquired building.
- Building name and address.
- Date building acquired.
- Method of acquisition for building.

NOTE: If a work of art is NOT accepted into the Fine Arts Collection, there are other means for the Federal Government to accept the work based on an agency's ability to accept personal property.

Please be aware, however, that the Fine Arts Program is not responsible for the protection, care, or maintenance of works of art accepted as personal property.

2.4. Deaccessioning Artworks

Deaccessioning is the formal process by which GSA permanently removes works of art from the Fine Arts Collection. GSA's policy is to not deaccession; however, exceptions can be made in certain circumstances and when specific criteria are met. Artworks are removed from the collection in accordance with Federal law.

References and Authorities

40 U.S.C. 521 et seq. defines requirements for the disposal of surplus property.

The Visual Artists Rights Act of 1990, Section 106A, U.S.C. Annotated, Title 17, Copyrights, Public Law (PL) 101-650 provides "moral rights" to artists creating works of visual art after June 1, 1991. These rights are chiefly the rights of attribution and integrity. They provide that all artists have rights controlling the use of their name in relation to their work, the right to prevent any modification of

their work that would be prejudicial to their reputation, and the right to prevent the destruction of their work if it is of recognized stature. These rights are vested with the artists throughout their entire lifetime, and may prohibit removal, modification, or destruction of artwork.

Section 106 of the National Historic Preservation Act (16 U.S.C. 470) mandates that Federal agencies identify historic properties that may be affected by their projects, take historic properties into account when planning an undertaking, and allow the State Historic Preservation Office, certified local governments, and the Advisory Council on Historic Preservation a reasonable opportunity to comment on Federal projects that have the potential to affect historic properties. This process may be lengthy and must be initiated as early as possible.

2.4.1. Reasons for Deaccessioning Artwork

A work of art may be considered for deaccessioning in the following situations:

- GSA does not hold legal title.
- The artwork has suffered destruction:
 - Vandalized beyond repair.
 - Destroyed by fire, flood, or other disaster.
 - Destroyed by biological or chemical attack.
 - Destroyed by inherent vice.
- The artwork is clearly not within the scope of the collection.
- The artwork poses significant life safety risks.
- The artwork is considered real property and is disposed of during the official disposal or transfer of a GSA building; however GSA can decide not to deaccession artwork even though it remains in situ.

The request to deaccession an artwork must be reviewed by the Fine Arts Program manager, the director of Design Excellence and the Arts Division, and the Chief Architect.

OCA may recommend that an expert panel that includes members of the PBS Commissioner's National Register of Peer Professionals be convened to review the proposed deaccessioning. The Fine Arts Program manager is responsible for organizing the peer review.

Final approval for deaccessioning rests with the Commissioner of PBS or designee.

If a deaccession proposal in conjunction with a building disposal is denied, see section 3.4 for information on the relocation of artwork.

2.4.2. Deaccessioning Procedure

The RFAO is responsible for submitting a deaccession request to the Fine Arts Program manager. See section 5.2.1 for deaccession worksheet.

The request must include a brief narrative explaining why the work is being recommended for deaccession as well as the following information:

- Accession number.
- Artist's name.
- Title of work.
- Date of creation.
- Dimensions.
- Edition number (if applicable).
- Medium.
- Provenance.
- Current location.
- Visual images.
- Artist statement and intent, when possible.

The Fine Arts Program manager reviews the request and forwards it with a recommendation to the director of Design Excellence and the Arts and the Chief Architect. The Commissioner of PBS or designee will make the final decision.

If OCA determines that additional review is necessary before a final decision is made, the Fine Arts Program manager may convene an expert panel.

If the deaccession is approved, Fine Arts Program staff handles all processing and provides necessary information to the RFAO, except in the case of deaccessioning in conjunction with building disposal.

RFAO Responsibilities for Building Disposal

In the case of artwork transferred in conjunction with building disposal, the RFAO is responsible for working with GSA disposal officials to ensure the proper covenants are attached to the agreement (see section 5.2.2). All excessing, deeding, or transferring documents must contain the following:

- Artwork information – artist, title, artwork date, dimensions, material, and location within the building.
- Description of the disposition of the artwork.
- Requirements that ensure the artwork will be preserved and made available for public viewing.
- Requirement to display an interpretive plaque with the artwork; the plaque is provided by the Fine Arts Program.

The RFAO must submit copies of all finalized excessing, deeding, or transferring documents to the Fine Arts Program manager.

If the deaccession is not approved or the artwork is to be removed from the building, see section 3.4 for relocation options.

3. Use of Artworks

3.1. Public Display

The Fine Arts Program makes artworks in the collection available to the public through permanent and temporary installations.

3.1.1. Permanent Installation in GSA-Owned Buildings

The program's primary display method is the permanent installation of artworks in the public spaces of GSA-owned buildings.

3.1.2. Installation in Leased Properties

Artworks from the Fine Arts Collection that are to be relocated may be installed in the public spaces of GSA-leased properties, following an evaluation of potential locations as detailed in section 3.4.3. Placement of artwork in leased space is subject to recall if appropriate GSA-owned space is located.

Installations in leased space are not permanent. Artwork must be removed when the building is no longer leased by GSA or occupied by Federal tenants.

3.1.3. Temporary Display

When feasible, the Fine Arts Program encourages the display of portable artworks, either through loans to eligible institutions (see section 3.3) or through exhibitions developed by the Fine Arts Program staff.

3.2. Access

Artworks and information about the collection are available to the public to the greatest extent possible.

3.2.1. Physical Access

Access to artworks in GSA buildings is controlled by the GSA building manager. Varying security restrictions may apply.

3.2.2. Collection Information

The Fine Arts Program makes every effort to provide interpretive information for all artworks. This is done through onsite plaques, brochures, or other programmatic endeavors.

Limited collection information is available online through www.gsa.gov/finearts.

Records in the Fine Arts Program office are available to scholars by appointment only.

References and Authorities

The Art in Architecture Program Policies and Procedures (April 2009) detail the requirements for public affairs, education, and identification of works of art commissioned for GSA. See appendix E.

3.3. Loans

All loans are handled through the Fine Arts Program. Under no circumstances does GSA agree to permanent loans of artwork (either outgoing or incoming).

The loan of artwork is authorized and approved by the Fine Arts Program manager under the direction of the director of Design Excellence and the Arts.

NOTE: Artworks allocated to non-Federal repositories are considered loans and are renewable (see section 2.3.3).

3.3.1. Outgoing Loans

Artworks

GSA loans artworks from the collection for approved purposes to eligible institutions that meet the environmental and security criteria (as outlined in section 5.3.1, Questionnaire for Loan of Works of Art).

Eligible institutions:

- Must be nonprofit institutions or Federal, State, or municipal government museums that have educational or scholarly missions.
- Must have full-time professional staff to care for objects.
- Cannot be connected with any commercial product or endorsement.

The loan's purpose must have intellectual merit and public and educational benefits, e.g., a temporary exhibition or a research project.

GSA reserves the right to recall a loan at any time.

NOTE: GSA honors loan agreements that were established before the inception of GSA or during a time when GSA did not have an established policy regarding the loan of artwork. GSA makes every effort to update agreements with loan forms or a formal Memorandum of Agreement acknowledging specific terms.

NOTE: Loans to Federal officials are strictly prohibited, with the exception of loans to the Administrator of GSA and the Commissioner of PBS for exhibition in their respective office suites.

Most outgoing loan periods are 1 year or less. Fine Arts Program staff considers renewal on a case-by-case basis. The maximum initial loan period is 5 years.

GSA may request a certificate of insurance from non-Federal institutions while the artworks are in their possession.

See section 5.3.2 for Loan Form for Outgoing Loan.

Architectural Models and Art in Architecture Artist Proposal Materials

Architectural models and Art in Architecture artist proposal materials or maquettes in the collection are records of a project in progress and serve a different purpose than the traditional works of art in the Fine Arts Collection. The loan policy for architectural models and artist proposal materials reflects this fact. Architectural models and artist materials are made available for loan to regional offices for display in association with the project.

Private entities involved in a project may have the related models or materials on loan for up to 1 year following completion of the project; after that time, the policy for loans of artworks applies.

3.3.2. Incoming Loans

GSA may borrow works of art from nonprofit institutions, Federal, State, or local agencies, and, on rare occasions, the private sector for installation in the public spaces of GSA buildings or inclusion in GSA-generated exhibitions. Authority for approval of incoming loans rests with the director of Design Excellence and the Arts and is administered through the Fine Arts Program in CO.

The works of art may only be borrowed for the purpose of public display and are not intended for personal use or installation in private offices.

NOTE: Incoming loans cannot be used to replace, displace, or otherwise interfere with Art in Architecture projects.

Most incoming loan periods are 1 year or less; Fine Arts staff considers renewals on a case-by-case basis. The maximum loan period for an incoming loan is 5 years.

Although the Federal Government is self-insured, arrangements can be made to provide non-Federal lenders with proof of insurance while the artworks are in GSA's possession.

3.3.3. Loan Procedure

All loans, both incoming and outgoing, are processed and administered by the Fine Arts Program in CO.

If requested to arrange an incoming or outgoing loan, the RFAO must send the Fine Arts Program manager a brief narrative outlining the nature of the request, contact information for the parties involved, and the following information on the artwork:

- Artist's name.
- Title of work.
- Date of creation.
- Dimensions.
- Edition number (if applicable).
- Medium.
- Completed AAM Standard Facility Report from the requesting institution (if applicable) or the Questionnaire for Outgoing Loan of Works of Art (see section 5.3.1).

3.3.4. Loans to Tenant Agencies

GSA does not loan artworks from the Fine Arts Collection to tenant agencies.

3.3.5. Insurance

The Federal Government is self-insured. This means that GSA does not have an insurance policy for the works of art in the Fine Arts Collection. If a work of art is damaged or destroyed, the Government considers it a loss and has no means of acquiring replacement funds from an insurer.¹ The exception to the rule is when GSA borrows a work of art from a non-Federal institution (such as a museum) for display in a Government building. A certificate of insurance may

¹ As stated in the Principles of Federal Appropriations Law, Third Edition, Volume I, U.S. General Accounting Office, January 2004, Chapter 4, Section C.10.a. The Self-Insurance Rule: "The government is essentially a self-insurer in certain important areas, primarily loss or damage to government property and the liability of government employees insofar as the government is legally responsible or would ultimately bear the loss. . . . The Comptroller of the Treasury held that the insurance could not be considered a necessary expense incident to accomplishing the purpose of the appropriation unless it somehow operated either to preserve or maintain the property for use or to preserve the appropriation that was used to buy it."

be required by the institution.² Likewise, if a GSA work of art is placed on loan to another institution or a conservator's studio, GSA may request a certificate of insurance while the artwork is in the institution's or conservator's possession.

3.4. Relocation of Artworks

3.4.1. Relocation Eligibility

GSA's policy is to retain the existing location, be it the original or a permanent relocation, of installed works of art and to honor the artist's original intent. Adverse public or tenant opinion does not justify the relocation, covering from public view, or removal of artwork.

The Commissioner of PBS or designee has final approval for the relocation of an artwork.

Relocation will be considered in the following circumstances:

- The artwork is endangered.
- The artwork endangers life safety.
- The artist's original intent is compromised.
- The original site is no longer available due to reconfiguration, destruction, or building disposal (see specific instructions for relocation in conjunction with building disposal, section 3.5).

NOTE: GSA will comply with all applicable laws, including but not limited to the Visual Artists Rights Act (VARA) and Section 106 of the National Historic Preservation Act (NHPA), when determining if relocation is warranted.

3.4.2. Requesting Relocation

The RFAO sends the initial request for relocation to the Fine Arts Program manager for commentary, assessment, and assistance as needed.

The RFAO submits a final formal request to the director of Design Excellence and the Arts. Section 3.4.5, Relocation Procedure, lists the items that must be included in the request.

3.4.3. New Location

²Ibid. Chapter 4, Section C.10.b. Exceptions to the Rule states: "The Comptroller General has held that the self-insurance rule does not apply to privately owned property temporarily entrusted to the government. . . . However, insurance may be purchased on loaned private property only where the owner requires insurance as part of the transaction. If the owner does not require insurance, private insurance is not a necessary expense and the government should self-insure."

GSA's policy is to relocate artwork permanently rather than to store it.

Authority for the final decision on new placement of relocated artworks rests with the Commissioner of PBS or designee and is based on certain factors, including but not limited to:

- Keeping art accessible to the public.
- Remaining true to the artist's original intent.
- Adhering to the spirit of Section 106 of NHPA.
- Considering recommendations from regional personnel.

Site preference is given to GSA-controlled space, followed by Federal space located within the same geographic region as the artwork's original site, then GSA or Federal space in other regions of the country.

If appropriate GSA or Federal space cannot be found, Fine Arts Program staff must evaluate possibilities for a loan to a State or local government or nonprofit institution for public display of the artwork. This placement of a GSA artwork is considered a loan and is subject to recall if appropriate Federal space is located. See section 3.3.1 for information on installation in leased properties.

Placement of an artwork in GSA-leased space is implemented through a Memorandum of Agreement (MOA) with the Federal tenant agency. The Federal tenant agency has no authority to abandon, sell, transfer, or otherwise dispose of the artwork. The MOA also requires the acknowledgement of the landlord, as well as acknowledgement that the artwork is the property of the Federal Government and at no time is the property of the landlord.

The MOA, which is prepared by the Fine Arts Program staff, details the rights and responsibilities associated with the artwork and must be renewed annually. See section 3.1.2 for information on installation in leased properties.)

NOTE: In selecting a new location, GSA will comply with all applicable laws, including but not limited to VARA and Section 106 of NHPA, when determining if relocation is warranted.

NOTE: For both relocation requests and the selection of a new location, the Fine Arts Program manager or director of Design Excellence and the Arts Division may convene an expert panel, which includes members of the PBS Commissioner's National Register of Peer Professionals, to advise GSA. The Fine Arts Program manager organizes the review.

3.4.4. Funding

The relocation of artwork resulting from construction projects, such as modernization, must be funded through the construction project.

3.4.5. Relocation Procedure

The RFAO must submit an initial proposal for relocation to the Fine Arts Program manager. The proposal must contain a brief narrative explaining why the work is being recommended for relocation, a justification for relocation (based on the stated policy), and the following information (see 5.4.1 for a relocation worksheet):

- Artist's name.
- Title of work.
- Date of creation.
- Dimensions.
- Edition number (if applicable).
- Medium (list material specifications if possible).
- Building name, city, and State.
- Provenance.
- Intended, original, and current location, as applicable.
- Reason for relocation.
- Visual images.
- A condition assessment by a professional conservator, when possible.
- Original artist statement and intent, when possible.
- Response and commentary from artist/artist's estate or representative or an explanation of why it is not included.
- Proposed new location.
- Project funding plans.

Fine Arts Program staff reviews the proposal and responds with comments and feedback. Staff assists the RFAO in ensuring the final request complies with all applicable laws (e.g., Section 106 of NHPA and VARA) and fulfills the Fine Arts Program's mission of appropriate stewardship.

The RFAO is responsible for preparing a final request for relocation and submitting it to the director of Design Excellence and the Arts Division (see 5.4.2 for sample memorandum). Following review in OCA and approval by the Chief Architect, the Commissioner of PBS or designee makes a final decision. The Fine Arts Program manager informs the RFAO of the decision.

3.5. Building Disposal

3.5.1. Artworks in Buildings Being Considered for Disposal

The Fine Arts Program makes decisions on the final disposition of artworks in disposed buildings on a case-by-case basis. The overarching goals are to protect the artwork in the best way possible and to ensure it is accessible to the public.

The options considered in relation to works of art in the Fine Arts Collection during a building disposal are:

- Deaccession (see section 2.4)
- Relocation (see section 3.4)
- Remain in situ with covenants (see section 5.2.2)

Following review in OCA, the Commissioner of PBS or designee makes a final decision.

RFAOs are responsible for informing the Fine Arts Program manager of all artworks in buildings being considered for disposal in his or her region. It is critical that the RFAO be in direct contact with the reality specialist responsible for the disposal of a building to ensure the RFAO's involvement throughout the disposal process.

If the artwork is to remain in the building, the RFAO is responsible for ensuring that protective covenants are included in all transfer paperwork and for providing copies of all paperwork to the Fine Arts Program. Given the specific circumstances of the disposal, the RFAO must review the proposed plan for public access with the Fine Arts Program manager (see 5.2.2 for a sample of Fine Arts covenants for property disposal documents).

3.5.2. Disposal Procedure

The RFAO must create an inventory of all artworks located in buildings scheduled for excess. The inventory must include:

- Artist's name.
- Title of work.
- Date of creation.
- Dimensions.
- Edition number (if applicable).
- Medium (list material specifications if possible).
- Building name, city, and State.
- Provenance.
- Intended, original, and current location, as applicable.
- Visual images.
- A condition assessment by a professional conservator, when possible.
- Original artist statement and intent, when possible.

- Response and commentary from artist/artist's estate or representative or an explanation of why it is not included.

The RFAO must forward this list to the Fine Arts Program manager for a determination on final disposition.

In determining appropriate disposition, the Fine Arts Program staff considers the following:

- Is the artwork site specific? Preference is usually to leave site-specific artworks in their original locations.
- Was the artwork created after June 1, 1991? If so, it is protected by VARA and legal counsel should be sought.
- Does Section 106 of the NHPA apply to the artwork? If so, or if it is unclear, legal counsel should be sought.
- Is the new owner capable and willing to provide public access and ensure the future preservation of the artwork?

If the decision is to relocate the artwork, RFAO must follow relocation procedures (section 3.4).

If the decision is to leave the work in situ in the disposed building, the RFAO is responsible for ensuring protective covenants are included in all transfer or conveyance paperwork and for providing copies of the paperwork to the Fine Arts Program manager for inclusion in the central archives.

3.6. Rights and Reproductions

3.6.1. Image Reproduction Policy

The Fine Arts Program maintains electronic image files of artwork in its collection. These images may be made available in electronic form for noncommercial, educational research, or scholarly use.

When images are reproduced in publications, the author must cite the artist, the title of the artwork, and the source, as he or she would material from any printed work.

The citation must include all copyright information and other associated content and must credit the U.S. General Services Administration.

The images may not be visually altered, distorted, or modified. If the image of the artwork is cropped, it must be clearly labeled as a detail of the original artwork.

The author and publisher must comply with all other terms or restrictions that may be applicable to the individual file.

The author and publisher accept that the artwork may be copyrighted and assume all responsibility for researching copyright restrictions and for acquiring permissions from the artist, photographer, or owner of copyright. The author and publisher accept accountability for copyright infringement (see appendix I for information on copyright).

New Deal Artworks - A majority of the works created through New Deal programs are now in the public domain and GSA retains no copyright.

Art in Architecture Works - In most cases, artists have retained copyright to work commissioned through the Art in Architecture Program.

3.6.2. Credit Line

When photographs of artworks from the Fine Arts Collection are used, the following information and credit line must be included and photographers credited, when known:

Artist name
Title
Date
Location

Courtesy of U.S. General Services Administration
Public Buildings Service
Fine Arts Collection

3.6.3. Fair Use Policy

The Fine Arts Program's policy is to permit downloading of images of artworks from the GSA Web site (www.gsa.gov/finearts) for casual, noncommercial redistribution; that is, redistribution of information where no commercialism is involved. Users may download these images, but their use is subject to copyright restrictions. GSA does not warrant or represent that the use of images displayed on www.gsa.gov/finearts will not infringe the rights of third parties.

4. Care of the Collection

The Fine Arts Program is responsible for the documentation, inventory, protection, conservation, and accessibility of the Fine Arts Collection.

4.1. Documentation

The Fine Arts Program is responsible for maintaining physical and electronic records on the collection. The RFAOs are responsible for submitting, in a timely manner, any documents related to artwork in order to keep the records complete and current. Original documents are requested.

Types of documents needed for the central record include, but are not limited to:

- Installation records.
- Inspection records.
- Maintenance records.
- Conservation treatment reports.
- Photographic records.
- Property disposal documents.

Documentation information on the collection is accessible to all qualified GSA personnel through the Fine Arts database available through the PBS Portal (<http://pbsportal.pbs.gov>).

4.2. Public Space in GSA Buildings

4.2.1. Integrity of Public Spaces in GSA Buildings

Protecting the integrity of public spaces is an important consideration for GSA. Artworks not in the Fine Arts Collection may not be installed in the public areas of buildings and grounds unless reviewed and approved by the director of Design Excellence and the Arts and the Chief Architect. RFAOs must contact the Fine Arts Program manager if artworks, whether purchased, commissioned, loaned, or donated, are proposed for installation.

Before any artwork that is not in the Fine Arts Collection can be installed on the grounds or in a GSA-owned building, the RFAO must secure a written agreement with the owner or lender of the artwork that includes the following:

- Confirmation that the artist has agreed to waive all rights granted under VARA pertaining to removal and relocation.
- The artwork is removable and its installation will not damage the fabric of the building.

- The owner or lender is responsible for the maintenance and conservation of the artwork and all associated costs.
- GSA has the right to remove or relocate the artwork.
- The owner or lender of the artwork will provide a plaque to identify the artwork and ownership to distinguish it clearly from artworks in the GSA Fine Arts Collection. The RFAO is responsible for reviewing the text, design, and placement of the plaque and ensuring that it is installed.

A copy of the signed agreement must be held by the RFAO, the building manager, and the owner or lender of the artwork. The RFAO must also provide a copy of the agreement to the Fine Arts Program.

4.2.2. Integrity of Space in the Vicinity of Fine Arts Collection Artworks

As part of its stewardship responsibility, the Fine Arts Program strives to retain the artist's original intent or conception of the artwork to the fullest extent possible.

Many artworks in the collection are site specific. Often the artist designed the artwork under the direct supervision of or in collaboration with the building architect to be a permanent installation for a particular location, taking the surrounding context into account. The walls, flooring, plaza, landscape, grounds, and furnishings within the sightlines of the artwork are all part of that context.

Once an artwork has been installed, the RFAO is responsible for protecting the integrity of the space and evaluating the impact of any proposed changes in the vicinity of the artwork. The RFAO must consult with the GSA regional historic preservation officer (RHPO) on actions that may have an effect on public or ceremonial spaces in historic buildings.

Before making any modifications, the building or project manager should consult the RFAO. Examples of modifications include:

- Renovations or changes in color or materials on the surrounding walls, flooring, landscape, or grounds.
- Rearrangement of the public space's layout and the addition of furnishings or equipment.
- Placement of other artwork, signage, objects, or seating that intrudes, physically or visually, on the work.

When tenant agencies, other organizations, or individuals wish to place artworks in the public spaces of GSA buildings, these artworks must not interfere with already installed works from the GSA Fine Arts Collection or Art in Architecture

commissions. See section 4.2.1 for guidance on placing artwork in public spaces of GSA-operated buildings.

The RFAO must request a review by the Fine Arts Program staff if an artwork in the collection is affected by non-GSA artworks or other modifications of the space. The Fine Arts Program manager may convene an expert panel to review the proposed installation, to recommend the placement of the non-GSA artwork, or to review proposed modifications to a space.

NOTE: If non-GSA artworks are approved for placement, the RFAO should prepare a Memorandum of Understanding (MOU) between GSA (as landlord) and the tenant, organization, or individual who has placed non-GSA artwork in the building, carefully outlining responsibilities, including that GSA is not responsible for the maintenance or conservation of the artwork. Copies of the signed MOU must be held by the RFAO, the building manager, and the tenant agency, organization, or individual. The RFAO must provide a copy of the MOU to the Fine Arts Program manager. If the artwork has been borrowed, the entity placing the artwork in the building is responsible for any agreements with the lender.

4.2.3. The Visual Artists Rights Act (VARA)

In 1990, Congress passed Section 106A of the U.S. Code, also known as the Visual Artists Rights Act or VARA. VARA grants certain rights to artists exclusively, regardless of physical ownership of a work, specifically to “. . . prevent any intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation”

All GSA staff members involved with works of art are encouraged to familiarize themselves with VARA and understand the possible implications of changing space surrounding artworks. If there is any chance that VARA may apply, RFAOs are responsible for seeking legal counsel and should consult the Fine Arts Program manager, who will contact the artist if necessary.

4.3. Installation Standards

4.3.1. Aesthetic Concerns

Works of art must be installed to the artist’s specifications and in a manner that facilitates viewing the artwork. This may include, but is not limited to:

- Specific lighting requirements.
- Specific placement requirements (e.g., hang-height).
- Limitations on appropriate protective barriers.

Portable works of art are secured in frames that are original, from the period in which the work was created, or reproductions of such frames. Artworks are reframed only when the current frame endangers the artwork. Fine Arts Program staff is responsible for arranging for artwork to be framed.

4.3.2. Ensuring Accessibility

All installed artwork must comply with the Americans with Disabilities Act.

RFAOs and building managers are encouraged to increase accessibility when possible. Please see www.nea.gov/resources/accessibility for more information.

References and Authorities

The Americans with Disabilities Act of 1990 (42 U.S.C. 12181 et seq.) and Accessibility Guidelines (28 CFR Part 36) prohibit discrimination on the basis of disability and require the design, construction, and alteration of public accommodations and commercial facilities to be in compliance with the Americans with Disabilities Act Accessibility Guidelines.

4.3.3. Interpretation

Fine Arts or Art in Architecture Program staff must review all text and interpretive materials.

Plaques

All artwork in the Fine Arts Collection must be identified. An interpretive plaque must accompany artwork installed in Federal buildings. Plaques should coordinate with the materials, format, and finish of the building's signage program when possible. Plaque details should follow these criteria:

- Artist, title, date, materials, commissioning program, and a brief description.
- 11" x 14" for large works.
- 3" x 5" for smaller portable works.
- Minimum 18 point font.

See 5.5.3 for a sample plaque.

Brochures and Educational Materials

The Art in Architecture program specialist and the RFAO work with GSA's public affairs offices to ensure that artworks are introduced to the public via media coverage, public dedications, receptions, workshops, educational brochures,

interpretive plaques, and other similar means. The Art in Architecture program specialist and RFAO are responsible for providing the brochure text on the commissioned artwork and artist and for coordinating the graphic design and printing of the brochure. These brochures are available through the RFAO and the facility. Brochures may also be prepared by the Fine Arts Program for conservation and reinstallation projects. On occasion, the RFAO assumes responsibility for preparing the brochure. Sample brochures are available from CO and on the Fine Arts Program web site, www.gsa.gov/finearts.

4.3.4. Physical Protection

Although it is understood that the Fine Arts Collection is installed in buildings that do not have the environmental conditions and security capabilities found in museums, every effort must be made to acknowledge and mitigate environmental and security risks. (See appendix F for fine arts installation standards.)

The RFAO must determine the best way to work with building managers to ensure that regular maintenance such as floor polishing, dusting, window washing, or routine painting will not damage artwork and to identify and mitigate any site-specific hazards such as pests, air pollutants, and so on (see appendix F).

Protection During Special Events and Construction or Renovation

The RFAO must also inform building managers and facility personnel of their responsibilities during nonroutine occurrences, such as the following:

- **Special Events**

Facility personnel must anticipate protecting artworks during special events. Risks can include additional furniture and equipment, food service, lighting, crowds, and decorations such as flowers or candles. Temporary measures, for example portable stanchions, may need to be used. Extra care should be taken during the setup and take-down of special events.

- **Construction or Renovation**

Project and building managers must protect works of art during construction or renovation. The advice of a professional conservator must be sought to determine if the work can remain in situ during the construction or if it must be moved offsite. The RFAO or Fine Arts Program staff can assist in locating a suitable conservator.

If an artwork must be moved during construction or renovation, the RFAO must notify Fine Arts Program manager of any changes in the location of the artwork so that the Fine Arts and Art in Architecture databases can be updated.

The GSA publication, *Care and Maintenance of Artwork in the Fine Arts Collection*, contains detailed information on the protection of artwork. The document is available on the Fine Arts Web site (www.gsa.gov/finearts) or through the Fine Arts Program.

4.4. Physical Care

Preventive measures and periodic monitoring of the collection are crucial to the well-being of the artworks.

4.4.1. Cyclic Maintenance

Cyclic maintenance is the periodic and routine maintenance of artwork to ensure its preservation. Cyclic maintenance instructions for works of art are jointly developed or reviewed by a professional fine arts conservator, the artist or fabricator, representatives of the Fine Arts Program, and GSA property management at the completion of installation or conservation treatment.

Cyclic maintenance is a regional responsibility. Thorough documentation of care and maintenance is required. Building managers or the RFAO must document the maintenance with photographs and a summary of the conservator's or technician's report, if available. The building manager is responsible for sending the documentation to the RFAO, who must forward a copy to the Fine Arts Program manager for inclusion in the artwork's file. (See section 5.5.4 for a sample cyclic maintenance report.)

A copy of the cyclic maintenance instructions must be maintained in:

- Building manager's office.
- RFAO office.
- Fine Arts Program office.

Who Performs Cyclic Maintenance?

Cyclic maintenance tasks can be delegated by the RFAO to the building manager. If professional conservation or specialized training is required, the building manager must request assistance from the RFAO.

Cyclic Maintenance Funding

Each field office is responsible for funding cyclic maintenance. Regions are encouraged to include cyclic maintenance as a cost related to annual building operations.

4.4.2. Cyclic Maintenance Procedure

Every work of art has cyclic maintenance instructions that are distributed biennially by the Fine Arts Program. The RFAO is responsible for ensuring that cyclic maintenance is performed.

Based on the skill level required, the RFAO will determine appropriate staff for cyclic maintenance tasks and inform building managers. If professional conservation services are needed, either for standard tasks or unexpectedly, the building manager must contact the RFAO for assistance.

When cyclic maintenance treatments are complete, the RFAO must submit a record of the treatment, including the date and a photograph, to the Fine Arts Program for the documentation file.

Cyclic maintenance information is available to qualified GSA personnel through the Fine Arts database on the PBS Portal (<http://pbsportal.pbs.gov>).

NOTE: Each work will have a different cyclic maintenance schedule. Although instructions are only distributed biennially, regions are responsible for completing as many maintenance cycles as are required throughout the intervening 2 years.

4.4.3. Inspection

All works of art in the Fine Arts Collection must be inspected on a regular basis. The RFAO is responsible for the inspections within a region. The biennial inspection has the following goals:

- Verify the location of installed or stored works of art.
- Verify that a plaque identifies installed works of art.
- Document the current condition of the work of art.
- Identify the responsible building manager.
- Track and document the location history of the art.
- Identify conservation priorities.
- Aid in efforts to locate previously missing artworks.

4.4.4. Inspection Procedure

The Fine Arts Program distributes the inspection forms to the RFAOs on a biennial basis for distribution to the appropriate building managers. (See section 5.5.5 for a sample inspection report.)

RFAOs must return the completed inspection forms to the Fine Arts Program within 6 months.

RFAOs must review all inspection reports before sending them to the Fine Arts Program. RFAOs must gather additional information on any work rating a 4 or a 5 in overall condition and, if further information is needed, should inspect the work in person.

4.4.5. Missing Artwork

If a work of art is discovered missing, the RFAO must contact the Fine Arts Program to verify its last known location and to rule out possible loan or other explanation. Once a work is verified as missing, the RFAO must:

- Notify the Federal Protective Service (FPS) at the artwork's last known location and file a report.
- The RFAO must verify that a copy of the FPS report has been sent to the Fine Arts Program manager; the copy will be maintained in the file in the central archive.

(See section 5.5.6 for a Fine Arts missing artwork worksheet.)

<p>NOTE: The Fine Arts Program staff will notify the Office of the Inspector General to update GSA's Report of Missing Artwork for the Federal Bureau of Investigation (FBI) National Stolen Art File.</p>

4.4.6. Damage

All damage or vandalism must be reported to the RFAO immediately by a telephone call or e-mail from the building personnel who discovered it. The initial contact is to be followed by a written report with photographs. The RFAO must notify the Fine Arts Program manager.

If an artwork is damaged or broken, it must only be handled by qualified art handlers, unless it is in immediate risk of additional damage.

The RFAO and the Fine Arts Program manager recommend and approve professional personnel for conservation treatments.

If tenant agencies, contractors, or other personnel are responsible for damage or vandalism, intentionally or through negligence, they are responsible for funding repair or conservation.

4.4.7. Damage and Incident Report Procedure

It is important to fully document any occurrence that causes even suspected or minimal damage to any work of art in the collection.

The RFAO is responsible for ensuring that appropriate building staff are aware of the artworks for which they are responsible and the appropriate measures to take in case of any damage.

As soon as damage occurs or is suspected, building staff must:

- Notify the RFAO.
- Complete the Fine Arts Program Damage Report (see section 5.7.3).

The RFAO must then:

- Visit the site within a reasonable time period and ensure that the report has been accurately completed.
- Notify the Fine Arts Program and forward all documentation of the occurrence to the Fine Arts Program manager.

<p>NOTE: Damage may not always be immediately visible. It is important to report any occurrence that may have affected the artwork.</p>
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4.4.8. Storage

Artwork that is not on display must be stored in a secure and climate-controlled location.

The Fine Arts Program manages a museum-quality, climate-controlled storage space for the Fine Arts Collection. The storage space is available to the regions when there is a need for temporary storage, and, in unusual circumstances, long-term storage of artworks. The storage facility is designated specifically for works of art from the Fine Arts Collection, or, in certain circumstances, objects that have direct association with a specific work of art.

Objects that are not acceptable for storage at the facility include artifacts of contemporary or historical nature, books, furniture, or paper documents.

The Fine Arts storage facility is located in Alexandria, VA. Access to the storage facility is available through the Fine Arts Program manager. In case of emergency, access is available through GSA's Crystal City Customer Service Center located in Arlington, VA.

If other storage facilities must be used for works in the collection, the RFAO must notify the Fine Arts Program manager and explain the reasons the GSA facility cannot be used. The director of Design Excellence and the Arts Division must approve the use of an alternate facility. Alternate storage facilities must meet the minimum requirements for the protection of the works of art (see appendix F).

The RFAO must notify the Fine Arts Program manager immediately about any change in a work's location.

4.4.9. Handling and Transportation

Art handling and transportation must be conducted by a reputable art handling company. The Fine Arts Program can provide information on art handlers.

4.4.10. Conservation

GSA's policy is that the principal goal of conservation is to stabilize the work. All conservation procedures should be fully documented, as reversible as possible, and follow the guidelines of the American Institute for Conservation of Historic & Artistic Works (AIC) Code of Ethics and Guidelines for Practice. Any alterations should be clearly distinguishable from the original work.

Before any conservation treatment is undertaken, the RFAO must submit an assessment prepared by a qualified fine arts conservator to the Fine Arts Program manager for review.

All conservation must be conducted by a fine arts conservator with at least a Master's degree in conservation from an accredited university graduate program and a minimum of 5 years' experience in his or her specialized field of fine art conservation. Additionally, the conservator must have qualifications and experience equivalent to those required to be a Professional Associate or Fellow of the AIC. (See appendix G for more information on conservation and conservators.)

RFAOs must submit copies of any and all documentation of conservation projects to the Fine Arts Program manager for inclusion in the artwork's record.

If conservation services are to be procured through the Architect/Engineer (A/E) firm, the RFAO must approve the proposed conservator and conservation

treatment plan and can reject conservators who do not meet the required education and experience criteria.

NOTE: Conservation policies and procedures apply to all conservation work performed on Fine Arts Collection artworks, regardless of who does the contracting.

4.4.11. Conservation Procedure

Prior to initiating any conservation activities, the RFAO must notify the Fine Arts Program manager of the proposed project. This can be done informally via e-mail or telephone.

RFAOs are responsible for coordinating the conservation of artworks. All conservation work must be performed by professional fine arts conservators.

Conservation treatment is accomplished through contracts with conservators in two phases.

Phase 1: The RFAO contracts with the fine arts conservator to prepare a condition assessment report documenting the condition of the work and outlining recommended treatments (see section 5.6.1 for a sample scope of work (SOW) for a condition assessment).

These reports must contain:

- Detailed analysis of the materials and techniques used in the work.
- Description of deterioration, including probable causes.
- Time and cost estimates for recommended treatment.
- Photographic illustrations, documenting analysis techniques and evidence of deterioration.

The RFAO must send a copy of the assessment report to the Fine Arts Program manager for review and approval before proceeding with any treatment.

Phase 2: If treatment is approved by the Fine Arts Program manager, the RFAO will contract with the fine arts conservator for treatment services, using the assessment report to inform the scope of work (see sample SOW in section 5.6.1 and Independent Government Estimate, section 5.6.2).

All treatments must include a final report that provides:

- Detailed description of treatment, including products and techniques used.

- Cyclic maintenance instructions with specific recommendations, including product specifications and recommendations on who can conduct maintenance.
- Photographic illustrations documenting work before, during, and after treatment.

Copies of the treatment report must be kept in the building manager's office and the RFAO's office.

The RFAO must send a copy of the treatment report to the Fine Arts Program manager for inclusion in the permanent file.

4.4.12. Conservation Funding

Conservation for the Fine Arts Collection is funded through three means:

1. Prospectus projects--When existing art needs conservation, services may be subcontracted through the A/E services firm responsible for the renovation of the building.
2. Regional funds--Each region may conduct its own conservation program using its own funds as available. These monies may be acquired through the minor repairs and alterations fund (Budget Activity 54), or through general operating funds (Budget Activity 61) .
3. CO funds--Conservation on a nationwide basis may be coordinated and funded through the Fine Arts Program.
 - Art associated with historic buildings may be funded through Budget Activity 64.
 - Nonhistoric and contemporary artworks may be funded through Budget Activity 61.

4.5. Emergency Planning

GSA's Continuity of Operations Plan (COOP) provides site or activity specific plans and procedures that "help insure the safety of GSA personnel and allow GSA organizational elements to continue operations in the event of an emergency or threat of an emergency. Each location at which GSA employees are permanently assigned should have a COOP."³ Managing works of art in the Fine Arts Collection in emergency situations must be included in the appropriate COOPs.

³ General Services Administration Continuity of Operations Planning, 1.1, page 1.

Protective measures fall into the following four categories (see appendix J for additional information):

- Mitigating measures.
- Preparedness measures.
- Response measures.
- Recovery measures.

The Fine Arts component of the COOP must include:

- A local party, such as the RFAO, building manager, or asset manager, who will be responsible for the artwork.
- A prioritized list of the artworks at the site.
- Emergency contact information for professional art services in the local area, including museum personnel, art conservators, art handlers, and art transporters, who can be called for assistance in protecting, moving, and recovering artworks.

Each RFAO is responsible for creating and then biennially updating his or her region's Fine Arts COOP and for providing the plan to the Fine Arts Program manager. (See appendix K for more information on emergencies and emergency planning, and sections 5.7.1 and 5.7.2 for COOP checklist and sample plan.)

4.5.1. Fine Arts Staff and RFAO Responsibilities

The Fine Arts Program staff in CO is responsible for:

- Ensuring that accurate information on artwork location, condition, and contacts is readily available.
- Providing an accurate listing of artwork in specific locations as requested or required.
- Notifying the proper authorities in the event of an emergency or disaster.

The RFAO in regional office is responsible for:

- Ensuring that protection of artwork is adequately addressed in COOP documents.
- Checking once a year to ensure that the Fine Arts component of each site's COOP is accurate and that the listed contact information is still current.
- Providing a current copy of the COOP to be maintained in:
 - The office of the locally appointed staff member responsible for initiating the response.
 - The regional office with the RFAO.
 - The Fine Arts Program office, Washington, DC.

- Notifying the Fine Arts Program manager of any emergency that involves artworks in the Fine Arts Collection.

4.5.2. Fine Arts Component of COOP Procedure

The RFAO is responsible for preparing and updating the Fine Arts component of COOP documents. The COOP document for **each site** must:

- Identify a local responsible party (e.g., RFAO, asset manager, building manager).
- Prioritize assets at the site.
- Identify emergency personnel (e.g., local museum professionals, conservators), and provide contact information and guidance on when to contact.
- Outline procedures for removing portable works of art from the location of the emergency to a previously identified secure location (e.g., local museum or university gallery).
- Outline procedures for securing and protecting work installed at the site-- cover, wrap, or enclose artwork away from the emergency.
- Outline procedures for salvaging artwork, if appropriate.
- Provide instructions for assessing damage to artwork using a Fine Arts Damage Report.

See section 5.7.2 for a sample format for Fine Arts component of COOP.

As soon as safely possible, the local responsible party must notify the building manager, RFAO, and Fine Arts Program manager regarding actions taken and keep them apprised of the situation.

References and Authorities

- 41 CFR 101-20.103-4, Occupant Emergency Program (OEP) focuses on protecting life and property in federally occupied space under certain emergency conditions and directs the formation of an occupant emergency organization to perform OEP tasks.
- The GSA Emergency Management Program ADM P 2400.18 includes the National Security Emergency Preparedness (NSEP) Program as defined in Executive Order (EO) 12656, Assignment of Emergency Preparedness Activities. It fulfills the requirements in that EO by ensuring that GSA can perform its mission under all disaster or emergency conditions in accordance with existing laws, regulations, and other national-level guidance.
- GSA Emergency Management Program, ADM P 2400.18, focuses on the role of GSA in providing support for domestic emergency operations in which there is Federal involvement.

5. Sample Forms, Worksheets, and Correspondence

5.1. Accessioning Artworks Into the Fine Arts Collection

For background information, see section 2.3, which details the accessioning policy and procedures.

5.1.1. Accession Worksheet

ACCESSION WORKSHEET:

Artist's name: _____

Title of work: _____

Date of creation: _____

Dimensions: _____

Edition number (if applicable): _____

Medium (list material specifications if possible): _____

Provenance : _____

Current location : _____

Attachments:

1. Visual images
2. A condition assessment by a professional conservator, when possible
3. Artist statement and intent, when possible
4. Brief narrative explaining how the work fits the collection
5. Any other relevant information (e.g., work would need to be shipped)

New Deal Artworks

Complete Accession Worksheet and also include:

1. Contact information on who is currently in possession of the work
2. Method of discovery (e.g., found on eBay, contacted by owner)

Donations from non-government sources

Complete Accession Worksheet and also include:

1. Proposed location for work
2. Contact information and relevant correspondence from potential donor

Transfers from other agencies

Complete Accession Worksheet and also include:

1. Contact information for agency representative
2. Proposed location for work

Building Acquisitions

Complete Accession Worksheet and also include:

1. Complete inventory of artworks in a newly acquired building with information outlined above for each work
2. Building name and address
3. Date building acquired
4. Method of acquisition for building

5.2. Deaccessioning Artworks

For information on the policies and procedures for deaccessioning artworks from the Fine Arts Collection, see section 2.4.

5.2.1. Deaccession Worksheet

<p>DEACCESSION WORKSHEET</p> <p><u>Artwork information</u></p> <p>Accession number: _____</p> <p>Artist's name: _____</p> <p>Title of work: _____</p> <p>Date of creation: _____</p> <p>Dimensions: _____</p> <p>Edition number (if applicable): _____</p> <p>Medium (list materials): _____</p> <p>Provenance: _____</p> <p>Current location: _____</p> <p>Means of accession: _____</p> <p>Attachments:</p> <ol style="list-style-type: none">1. Visual images2. Artist statement and intent, when possible <p>Reason for deaccessioning:</p> <p>____ GSA does not hold legal title</p> <p>____ Artwork has suffered destruction</p> <ul style="list-style-type: none">___ vandalized beyond repair___ destroyed by fire, flood, or other disaster___ destroyed by biological or chemical attack___ destroyed by inherent vice <p>____ Artwork is considered real property and is disposed of during the official disposal or transfer of a GSA building</p> <p>____ Artwork is not within scope of the collection</p> <p>____ Artwork poses significant life safety risks</p>

5.2.2. Fine Arts Covenants for Property Disposal Documents

If an artwork is being deaccessioned and transferred due to building disposal, transfer documents must include covenants to protect the artwork. The following sample of these covenants is extracted from an interagency agreement that transferred a Federal building from the GSA inventory. See sections 2.4.2 for deaccessioning procedure, and 3.5.1 for disposal procedure.

ARTWORK

9. On display in the lobby of the building is an original artwork titled *Totem V*, a 16' high by 1'8" square, wood sculpture by George Morrison, which was commissioned by GSA and described as follows:

Identification Number: AA117

Title: *Totem V*

Type: wood sculpture

Size: 16' high by 1'8" square

10. The USDA Forest Service agrees to the following conditions regarding display and ultimate disposition of the above - referenced art work:

(a) *Protection & Maintenance*: The USDA Forest Service agrees to be responsible for the protection and maintenance of the sculpture.

(b) *Public Access*: The USDA Forest Service agrees to provide for public display of the sculpture.

(c) *Attribution*: The sculpture will be accompanied by an interpretive plaque provided by GSA identifying the artist and noting that it was commissioned for the people of the United States by the Federal Government.

(d) *Disposition*: With respect to *Totem V* by George Morrison, if the USDA Forest Service conveys title to the Property to a non - Federal party, it must first offer the sculpture to the GSA for disposition. If, after a period of 90 days, the GSA declines to take back the sculpture, then the USDA Forest Service may:

(1) require, as a condition of sale, that the new owner of the Property protect and maintain the sculpture to the same extent as provided in subparagraphs (a), (b), and (c) above, subject to reversionary rights in the GSA;

(2) retain the sculpture in a USDA Forest Service facility to the same extent as provided in subparagraphs (a), (b), and (c) above;

(3) convey the sculpture to a public museum or public art gallery with or without consideration on condition that if the sculpture ceases to be displayed or used for public purposes, the GSA may reclaim the sculpture.

5.3. Loans

See section 3.3 for information on loans.

5.3.1. Questionnaire for Outgoing Loan of Works of Art

**U.S. GENERAL SERVICES ADMINISTRATION
FINE ARTS
QUESTIONNAIRE FOR LOAN OF WORKS OF ART**

Before the U.S. General Services Administration (GSA) agrees to lend a work of art, we must ensure that proper handling procedures and security measures can be accomplished by the borrowing institution. Read carefully, complete, sign, and return this questionnaire to the Fine Arts Program, U.S. General Services Administration, (GSA-PMDD), Room 3341, 1800 F Street, NW, Washington, DC, 20405.

- 1) Describe the temporary storage areas used for works of art before installed in exhibition area:
- 2) Is the exhibition space used solely for exhibition (i.e., not a library, lobby, etc.)? _____ YES _____ NO
- 3) Is the building made of a fire-resistant material? _____ YES _____ NO
- 4) Describe the fire detection and extinguishing systems used in the exhibitions of works of art for your institution.
- 5) Are periodic security checks made at night? _____ YES _____ NO
- 6) Are full-time professional guards (not students, in the case of university museums) in constant attendance when the exhibition galleries are open? _____ YES _____ NO
- 7) Are framed objects fastened securely to the wall or panel with brackets and screws so that they cannot be lifted or removed? _____ YES _____ NO
- 8) Are objects handled exclusively by curators, installers, registrars, and shippers who are trained and experienced in handling works of art? _____ YES _____ NO
- 9) Do all fluorescent lights have ultraviolet filtering Plexiglas sleeves? _____ YES _____ NO
- 10) When objects are put in closed cases with lights, are they safeguarded against ultraviolet rays and ventilated to prevent excessive temperatures? _____ YES _____ NO
- 11) No artwork may be exhibited in direct sunlight or strong illumination, placed over a heating or air-conditioning vent, or exposed to humidity in excess of 65%. The maximum light intensity in your institution is _____.

To ensure that the works of art are protected from damage or theft, the following conditions apply:

OWNERSHIP Full and exclusive title, ownership, and control of works of art will remain with GSA.

AVAILABILITY Artwork must be in good condition.

Artwork must be displayed with an interpretive plaque stating that it is part of the Fine Arts Collection

of the U.S. General Services Administration.

TIME The duration of the loan is for 1 year. Art must be returned to GSA by stated termination date. Extensions of loan periods must be approved in writing by the Director, Design Excellence and the Arts, GSA. GSA reserves the right to recall works from loan at any time and will make every effort to give reasonable advance notice.

LOCATION Artwork must be displayed in publicly accessible spaces that can be locked nightly. Location and placement of all artwork must be coordinated with the GSA Fine Arts Program, including relocation of artwork.

CARE AND MAINTENANCE Borrowed artwork must be given proper care to ensure against loss, damage, or deterioration. Borrower agrees to meet special requirements for installation and handling. Art loaned by GSA has been examined and is considered to be in sound condition for loan. GSA must be notified immediately, followed by a written report, including necessary photographs, if damage or loss is discovered. No work may be altered, cleaned, or repaired without written permission of the GSA Fine Arts Program. Art must be maintained under a 24-hour security and protected from unusual temperatures and humidity, excessive light, vermin, dirt, or other environmental factors. Only experienced personnel will handle work.

FINANCIAL RESPONSIBILITY Borrower accepts financial responsibility for full amount of appraised value placed on each work if the art is lost or damaged. GSA reserves the right to increase the appraised value.

PACKING AND TRANSPORTATION Packing and transportation must be arranged by the GSA Fine Arts Program, with a qualified art transport company. Unpacking and repacking must be done by experienced personnel under competent supervision. Repacking must be done with similar materials and boxes and by similar methods as the art was received.

PHOTOGRAPHY AND CREDIT LINE Borrower has the right to photograph and reproduce photographs of artworks for educational and publicity purposes related to the loan, provided that the **Fine Arts Program, Public Buildings Service, U.S. General Services Administration** is credited. Written approval from the GSA Fine Arts Program must be obtained for photography for commercial purposes.

CONFLICTS The terms of this agreement will be controlling in the event of any conflict between this agreement and any other agreements. Loan may be canceled if there has been a breach of the conditions of this agreement.

Violations of these conditions or incorrect answers to the questions will be noted when further loans are being considered.

I have answered the questions accurately and agree to the above conditions.

Signature

Date

Title

Institution

Exhibition Title, Dates

If the exhibition is to travel, the Fine Arts Program must have signed copies of this questionnaire from all participating institutions. List the institutions below, the curators in charge of the exhibition, and the exact dates of exhibition and travel.

5.3.2. Loan Form for Outgoing Loan

**U.S. GENERAL SERVICES ADMINISTRATION
FINE ARTS
AGREEMENT FOR LOAN OF GSA ARTWORKS**

Agreement for loan between the Fine Arts Office, Public Buildings Service, U.S. General Services Administration, and:

(AGENCY)
(ADDRESS)
(CITY) (STATE) (ZIP) (PHONE)
(BORROWER)
(TITLE)

for the period // to // .

ARTWORK IDENTIFICATION

ARTIST NAME		
TITLE OF ARTWORK		APPRAISED VALUE
ITEM #	EXECUTION DATE	FEDERAL ART PROGRAM
MEDIUM	MATERIALS	DIMENSIONS

DESCRIPTION

CONTACT

COLLECTION CONTACT	TEL.#
--------------------	-------

LOCATION OF ARTWORKS

IF ARTWORKS ARE MOVED, WHILE ON LOAN, WITHOUT PRIOR NOTIFICATION AND APPROVAL FROM THE FINE ARTS OFFICE, THEY WILL BE SUBJECT TO IMMEDIATE RECALL.	EXACT LOCATION OF ARTWORK WHILE ON LOAN SUB - LOC.
--	---

BORROWER

BORROWER AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS LOAN AGREEMENT AS STATED ON ATTACHED SHEET.	DATE BORROWER SIGNED
(Signature)	

FINE ARTS OFFICE

SIGNATURE	DATE SIGNED
-----------	-------------

NOTE: Borrower must sign this form and return it to GSA for signature. Copy will be returned to borrower.

TERMS AND CONDITIONS OF LOAN

The Fine Arts Collection of the U.S. General Services Administration (GSA) has a limited number of original, portable works of art that are available for loan to the Administrator of GSA, or to the Commissioner of the Public Buildings Service, or for exhibit. In order to ensure that these works of art are protected from damage or theft, the following conditions apply:

OWNERSHIP Full and exclusive title, ownership, and control of works of art will remain with GSA.

AVAILABILITY Artwork must be in good condition.

Artwork must be displayed with an interpretive plaque stating that it is part of the Fine Arts Collection of the U.S. General Services Administration.

TIME The duration of the loan is for 1 year. Art must be returned to GSA by stated termination date. Extensions of loan periods must be approved in writing by the Director, Design Excellence and the Arts, GSA. GSA reserves the right to recall works from loan at any time, but will make every effort to give reasonable advance notice.

LOCATION Artwork must be displayed in publicly accessible spaces that can be locked nightly. Location and placement of all artwork must be coordinated with the GSA Fine Arts Program, including relocation of artwork.

CARE AND MAINTENANCE Borrowed artwork must be given proper care to ensure against loss, damage, or deterioration. Borrower agrees to meet special requirements for installation and handling. Art loaned by GSA has been examined and is considered to be in sound condition for loan. GSA must be notified immediately, followed by a written report, including necessary photographs, if damage or loss is discovered. No work may be altered, cleaned, or repaired without written permission of the GSA Fine Arts Program. Art must be maintained under a 24-hour security and protected from unusual temperatures and humidity, excessive light, vermin, dirt, or other environmental factors. Only experienced personnel will handle work.

FINANCIAL RESPONSIBILITY Borrower accepts financial responsibility for full amount of appraised value, as determined by GSA, placed on each work if the art is lost or damaged. GSA reserves the right to increase the appraised value during the term of the loan or any extension thereof.

PACKING AND TRANSPORTATION Packing and Transportation must be arranged by the GSA Fine Arts Program, with a qualified art transport company. Unpacking and repacking must be done by experienced personnel under competent supervision. Repacking must be done with similar materials and boxes, and by similar methods as the art was received.

PHOTOGRAPHY AND CREDIT LINE Borrower has the right to photograph and reproduce photographs of artworks for educational and publicity purposes related to the loan, provided that the **Fine Arts Program, Public Buildings Service, U.S. General Services Administration** is credited. Written approval from the GSA Fine Arts Program must be obtained for photography for commercial purposes.

CONFLICTS The terms of this agreement will be controlling in the event of any conflict between this agreement and any other agreements. Loan may be canceled if there has been a breach of the conditions of this agreement.

GSA Form 10048 BACK (REV.9 – 95)

5.3.3. Sample Returned Loan Letter

When works of art are returned to GSA, an acknowledgment letter is sent by the Fine Arts Program manager to the borrower.

	GSA Public Buildings Service
DATE	
BORROWER INSTITUTION ADDRESS	
Dear _____:	
This letter acknowledges the return of the following artworks and architectural models from the exhibit, TITLE OF EXHIBITION, GALLERY, INSTITUTION NAME , to the Fine Arts Program:	
<i>LIST OF WORKS RETURNED, INCLUDING ACCESSION NUMBER</i>	
Thank you for the care and maintenance of the artworks while they were on loan. If you have any questions please do not hesitate to call me at XXX.XXX.XXXX .	
Sincerely,	
NAME Fine Arts Program Design Excellence and the Arts	

5.4. Relocation of Artworks

See sections 3.4 and 3.5 for information on relocation of artworks.

5.4.1. Relocation Worksheet

Relocation Worksheet

Accession number: _____

Artist's name: _____

Title of work: _____

Date of creation: _____

Dimensions: _____

Edition number (if applicable): _____

Medium (list material specifications if possible): _____

Provenance: _____

Building name, city, and State of current location: _____

Intended, original, and current location, as applicable: _____

Reason for Relocation:

____ Artwork is endangered

____ Artwork endangers life safety

____ Artist's original intent is compromised

____ Original site is no longer available due to reconfiguration, destruction,
or building disposal

Provide detailed explanation: _____

Proposed new location: _____

Project funding plans: _____

Attachments:

1. Visual images
2. A condition assessment by a professional conservator, when possible
3. Original artist statement and intent, when possible
4. Response and commentary from artist/artist's estate or representative, or an explanation of why it is not included

5.4.2. Sample Relocation Memorandum



MEMORANDUM FOR: [NAME](#)
Director, Design Excellence & the Arts
Office of the Chief Architect – PMDD

FROM: [NAME](#)
 [TITLE](#)

SUBJECT: Relocation of Artwork
 [TITLE OF ARTWORK](#)
 [ARTIST](#)

The General Services Administration, Region [XX](#), has completed the construction of [NAME OF BUILDING](#) in [CITY, STATE](#). It is proposed that [TITLE OF ARTWORK BY ARTIST](#), be relocated to the [NAME OF BUILDING, CITY, STATE](#). The relocation is necessary due to [CITE REASON FOR RELOCATION](#).

[Explanation of original conditions, what precipitated the removal of the work, evaluation of potential sites with in the same building, or, if that is not feasible, recommended location at another site.](#)

[Additional information about the artwork, including condition, needs such as assessment, conservation, shipping.](#)

Based on the above information, the region requests your concurrence with these plans. Attached is the architect's recommended site plan at the new location.

Please contact [NAME](#), regional fine arts officer, at [XXX](#) should you require further information.

CC:

5.5. Artwork

See sections 4 on care of the collection and 4.1 for documentation.

5.5.1. Artwork Identification Label

FINE ARTS PROGRAM
U.S. GENERAL SERVICES ADMINISTRATION
1800 F STREET, N.W., WASHINGTON, D.C. 20405

ARTIST NAME Curry, John Steuart

TITLE OF ARTWORK *The Oklahoma Land Rush*

ITEM # FA4688

EXECUTION DATE 1939

FEDERAL ART PROGRAM New Deal Fine Art Projects

MEDIUM Painting

MATERIALS Oil

DIMENSIONS 27 3/8 x 58 1/2 inches

DESCRIPTION

Sketch for the mural executed for the Interior Department Building in Washington, DC. It illustrates the 1889 opening of Oklahoma Territory to 20,000 homesteaders. Original is number FA512 - B in the GSA collection. Matted and framed.
Frame size: 36 - 1/2" x 67 - 5/8"

COLLECTION CONTACT [NAME](#).

Tel. # [XXX-XXX-XXXX](#)

KEEP WITH ARTWORK
CAUTION: DO NOT AFFIX TO REVERSE OF ORIGINAL FABRIC OR PAPER

GENERAL SERVICES ADMINISTRATION

Form 3591 (Rev. 9 - 87)



5.5.2. Fine Arts Report

FINE ARTS PROGRAM
GENERAL SERVICES ADMINISTRATION
1800 F STREET, N.W.
WASHINGTON, D.C. 20405

Item ID: FA489
Project Status: Installed
Artist: Fogel, Seymour
Address:
Phone:
Estate Address:

Artist Information: Seymour Fogel was born in New York City on August 25, 1911; lived there, and died in 1984. He was on the WPA/FAP from 1935-39, assigned to the Mural Division. While on the project he did murals for the New York World's Fair 1939, the US Customs Courthouse at Foley Square, the Brooklyn Hospital and schools in the city. From 1946-54 he taught art at the University of Texas, Austin, and subsequently at Michigan State University, and the Springfield, Missouri, Art Museum. His first one-man show of easel painting was at the Duveen-Graham Gallery, New York, in 1956; he has had over a dozen since and is still active as a muralist. A fellow of the Institute of Arts and Letters, he has written articles on art and architecture for the American Institute of Architects Journal, Art in American, and other art magazines. He lives in Westport, CT. Studied: National Academy of Design; with Leon Kroll and George Bridgman. Member: Mural Artists Guild; National Society of Mural Painters. Exhibited: Museum of Modern Art (two panels in music room of Abraham Lincoln High School, Brooklyn), 1936; 48 States Competition, 1940 (prize); Social Security Administration Building Competition, 1941 (prize); Artists for Victory War Poster (prize); Whitney Museum of American Art, 1940-41, 1945; Corcoran Gallery of Art, 1939; Architectural League (medal); National Gallery, Canada, 1940; Museum of Modern Art; Springfield Museum of Art, 1943, 1946; Pennsylvania Academy of Fine Arts, 1940, 1946; Pepsi-Cola, 1946; Iowa University, 1946; Mortimer Levitt Gallery, 1946 (one-man). Works: Edward Bruce Memorial College; Federal Buildings in Safford, AZ and Fort Worth, TX; Social Security Administration Building, Washington, DC; USPO Cambridge, MN. In 1975, Mr. Fogel presented to the Archives of American Art of the Smithsonian Institution 104 items, including photographs of his mural paintings, and printed material (c. 1935-1973).

Birth Date: 1911
Gender: Male
Title: *Challenge of Space*

Executed: 1966
Medium: Painting
Materials: Oil

Materials Memo: Oil on plaster
Dimensions: 32-1/2' x 14'

Frame
Dimensions:

Labels:

Inscriptions:

Federal Art Prog: Art-in-Architecture

Appraisal: \$25,000.00

Appraisal Date: 1981

Appraiser:

Appraiser
Address:

Appraiser
Phone#:

Building Number: TX0224ZZ

Building Name: Fritz Lanham Federal Building

Address: 819 Taylor St.



Fort Worth,
TX 76102

Region: 7

Sub-Location: 1st Floor Lobby West Side

Exterior/Interior: Interior

Description:

Provenance:

Borrower's Agency:

Loan Dates:

Borrower's Name:

Borrower's Title:

Borrower's Phone:

Borrower's Email:

Loan Location :

Room Type:

Floor:

Installation Date:

Loan Information: This lobby mural was commissioned for \$25,000. Contract dated November 1965; work installed 1966. Included in 1972 survey.

Building Contact: [NAME](#)

Address: Fritz Lanham Fed Bldg
900 Lamar Street
Ft. Worth, TX 76102

Phone: [XXX-XXX-XXXX](#)

Email:

Collection Contact: [NAME OF REGIONAL FINE ARTS OFFICER, TELEPHONE NUMBER](#)

Date Inspected: 12/7/2006

Condition Status: Minor Deterioration

Complete Date: 5/2/1994

Conservator: Page, Arthur

Firm: Page Conservation, Inc.

Total Project: \$0.00

Prior Funding-FY: \$7,200.00 - 1986 \$0.00 - 0 \$0.00 - 0

Treatment:

Cycl. Maint. Instr.:

Cyclical Plan: No

Planned Cost: \$0.00

Actual Cost: \$0.00

Cyclical Complete: No

Begin Treatment:

End Treatment:

5.5.3. Plaques

See section 4.3.3 for information on plaques.

Sample Plaque for Installed Work of Art

Boardman Robinson

Great Codifiers of the Law

1937, oil on canvas

This 18-panel mural series brings together historical figures and documents that have contributed to the development of modern law. Boardman Robinson consulted various scholars and historical texts in an effort to find details about each subject's character and legal philosophy. Though he aimed to provide an accurate physical depiction of each individual, Robinson also took creative license in cases where little information was available. In the case of *Victoria*, Robinson used a sketch of Dr. James Scott Brown, a noted translator of Francisco de Victoria's works, because an actual likeness of the monk eluded him. Robinson included his own image in the murals as well, depicting himself as a bearded farmer in the lower right section of *Magna Charta*.

Boardman Robinson (1876 - 1952) was born in Somerset, Nova Scotia. He studied at the Massachusetts School of Art in Boston from 1894 to 1897 and in Paris from 1898 to 1904, at the École des Beaux - Arts, the Académie Julien, and the Académie Colarossi. He was a cartoonist for the *New York Times*, the *New York Tribune*, and *The Masses*. Robinson also provided illustrations for a number of books, including editions of *Moby Dick* and *The Brothers Karamazov*. He taught at the Art Students League in New York from 1919 to 1930, after which he served as the Director of the Colorado Springs Fine Arts Center. His work can be found at the Metropolitan Museum of Art, the Art Institute of Chicago, the Los Angeles Museum of Art, and Rockefeller Center in New York City.

Commissioned by the Department of the Treasury
Section of Painting and Sculpture (1934 - 1938)

U.S. General Services Administration
Public Buildings Service
Fine Arts Collection

Sample Plaque for Portable Work of Art



WOMAN WITH MOUNTAIN SHEEP, 1939
CONCETTA SCARAVAGLIONE

Concetta Maria Scaravaglione (1900 – 1975) was born in New York City, and became a part of the New York art world of the 1930s. She had a fifteen year teaching career at Sarah Lawrence College, Vassar College, New York University, and Black Mountain College. She received New Deal commissions for Ariel Rios Federal Building and the Federal Trade Commission in Washington, DC. This quarter scale model was part of a commission for the Garden Court of the Federal Building at the 1939 New York World's Fair. None of the six 14' high sculptures - cast in plaster - survived the demolition of the Fair in 1940.

U.S. GENERAL SERVICES ADMINISTRATION
PUBLIC BUILDINGS SERVICE
FINE ARTS COLLECTION

5.5.4. Cyclic Maintenance Report

See section 4.4.1 for cyclic maintenance information and section 4.4.2 for cyclic maintenance procedures.

U.S. GENERAL SERVICES ADMINISTRATION FINE ARTS PROGRAM Cyclic Maintenance Report

MD0006ZZ - Custom House

Baltimore, MD

Custodian: NAME OF FACILITY MANAGER

Artist: **Millet, Francis Davis**

Evolution of Navigation, 1907

Painting, 68' x 30' (FA456)

Cyclic Maintenance: Cyclic Maintenance instructions received from Page Conservation, Inc. in March, 1998:

The Entering Harbor mural, especially the damaged area restored in 1976 and subsequently conserved in 1998, is delicate and worthy of appropriate respect. When accessing the impact of a decision pertaining to the Call Room, such as whether to hold a public event in the room or whether to maintain air conditioning over a long weekend, one must consider two major factors about the ceiling painting:

(1) the attachment of the canvas is fairly sound in most areas, but the previously restored large circular damage in the upper central sky is a problematic area that has a pronounced tendency to detach itself from the ceiling. This area has required delicate and time consuming treatment in 1976 and 1998. The environment that the canvas experiences at ceiling level will determine how long this and other areas remain well adhered. Everything possible must be done to maintain an even temperature and relative humidity in the room. We suggest the air conditioning be run continuously throughout the summer to hold relative humidity down and to minimize sharp changes. Shutting the air conditioning off on evenings and weekends will add hundreds of unnecessary relative humidity and temperature spikes each year. The ceiling, it must be remembered, is easily 7 - 10 degrees warmer than floor level. We would think a responsible approach would be to cycle the air conditioned temperature up only a few degrees over the weekend and conversely, the heating temperature down in the winter only a few degrees over the weekend. One must try to maintain the fewest fluctuation cycles possible. One acknowledges winter and summer are different typical temperature and humidity conditions; transition gently between them and eliminate daily fluctuations.

(2) The paint surface is friable and porous. Although varnished, this oil paint has many fine cracks in it and would be extremely difficult to surface clean. Opening the windows routinely or combusting anything in the room such as candles at a dinner function would add particulates to the ceiling.

The above factors may be used to determine a sound policy regarding public functions in the room:

- Windows must remain closed. Pre - chill the room slightly with the air conditioner prior to an event.
- A steam table, candles or high power auxiliary lighting would be a poor idea.
- Limit the crowd to a reasonable number so as not to overwhelm the environment or disturb the historic fabric of the room.
- Provide signage as to the delicate, historic nature of the artifact and the room in general.

On a daily or monthly basis, the ceiling painting requires no specific maintenance. The ceiling and wall paintings must **not be** brushed, sponged or vacuumed or Non - professional cleaning will cause striations or ingrain grime into the porous surface. The paintings are all well above hand level and are not subjected to touching by curious visitors.

We would, however, very strongly recommend that the roof and particularly the gutters be inspected by the building engineer at least monthly. We were present for the treatment of the occurrence of water damage along the parking lot wall from stopped gutters. We would recommend that at least twice a year, the regional fine arts officer or respective check the ceiling with binoculars for the reoccurrence of flaking or water damage. At this time, it would also be appropriate for that person to personally inject the roof and gutters which are accessible without a ladder.

5.5.5. Fine Arts Inspection Form

See sections 4.4.3 for inspection information and 4.4.4 for inspection procedure.

Sample Art Inspection Form

FINE ARTS PROGRAM
 GENERAL SERVICES ADMINISTRATION
 1800 F STREET, NW
 WASHINGTON, DC 20405

Art Inspection Form

Information on the following artwork should be completed by February 15, 2009.
 Please complete or update the information below, provide a recent photograph and return all material to your collection contact:
[RFAO name and telephone number.](#)

6

Item #: AA458
 Title: Philippine Garden
 Artist: Jaudon, Valerie
 Date: 2004
 Type: Sculpture
 Medium:
 Building #: MO0095ZZ
 Building Name: Thomas F. Eagleton U.S. Courthouse
 City: St. Louis
 State: MO
 Sub-location: Garden



Condition

Please Circle Overall Condition

1 – excellent 2 – very good 3 – good 4 – fair 5 - poor

CONDITION: Please check as many as applicable indicating appropriate degree (Sever, Moderate or Low).

ARTWORK:

Sev. Mod. Low.	Sev. Mod. Low.	Sev. Mod. Low.
___ ___ ___ dents/distortions	___ ___ ___ accretions/grime/dirt	___ ___ ___ damage/discoloration
of finish		
___ ___ ___ abrasions/scratches	___ ___ ___ cracks/breaks	___ ___ ___ losses
___ ___ ___ marks	___ ___ ___ rusting/corrosion	___ ___ ___ bird droppings/guano

Comments:

STRUCTURE:

Sev. Mod. Low.	Sev. Mod. Low.	Sev. Mod. Low.
___ ___ ___ unstable	___ ___ ___ separated joints	___ ___ ___ loose/missing
hardware		
___ ___ ___ loose/missing sections		

Comments:

Risk Assessment

Please check as many risks are as applicable indicating appropriate degree.

Sev. Mod. Low.		Sev. Mod. Low.		Sev. Mod. Low.	
___ ___ ___	extreme temp/RH	___ ___ ___	insects/pests	___ ___ ___	fungi/mold/mildew
___ ___ ___	inappropriate lighting	___ ___ ___	mopping/dusting etc.	___ ___ ___	vehicular/pedestrian
___ ___ ___	vandalism/graffiti	___ ___ ___	intrusions		

Comments:

Date of last cyclic maintenance: _____ Check if interpretive plaque needed

Prepared by:

Signature _____ Date

Filer _____ Office Symbol

Title _____ Tel

Art Inspection Instructions

HOW TO COMPLETE GSA'S ART INSPECTION FORM

The General Services Administration's (GSA) Fine Arts Inspection Form includes current information contained in the Fine Arts or Art in Architecture databases. This information must be updated on a biennial basis.

Please correct existing information and complete missing information, following the guidelines below. A glossary of terms used on the Art Inspection Form is attached to assist you.

- 1. CONDITION**
Check as many words as applicable that describe the general condition of the work of art, and the degree (Severe, Moderate or Low). The condition of the work of art is broken down into three categories: surface; structural; and environmental. Please complete all three categories!

Include any additional comments that specifically describe the condition, surrounding environment, or threats to the work of art.
- 2. RISK ASSESSMENT**
Check as many factors as applicable that may pose a risk to the work of art.

Include any additional comments that specifically describe the risk, or needed action to conserve and protect the work of art.
- 3. PREPARED BY**
Complete your identification information and the date.

Questions? Please call [xxx.xxx.xxxx](tel:xxx.xxx.xxxx)

GSA Fine Arts Inspection Form Glossary

GSA FINE ARTS INSPECTION FORM GLOSSARY

acrylic	a glassy thermoplastic used for cast or molded parts or as a coating or adhesive
air pollutants	atmospheric condition caused by harmful chemicals within the air surrounding an art object, such as exhaust from automobiles
barrier	anything built or serving to bar passage, such as a railing or fence
base	the foundation on which the sculpture rests; considered the sculpture's support and intended as a part of the work of art. It may be formed from the same material as the sculpture (in which case, it is called a plinth or a self- base) or attached to the sculpture.
bent	curved or crooked
bird droppings	also known as bird feces
blistered	an area of raised air pockets caused by external forces acting upon a painting, such as fire, moisture, or foreign matter
brittle	frail, crisp or deteriorated; easily broken, cracked or snapped
broken	fractured or disconnected pieces of the art object caused by an external or internal force
buckled	bending, bulging, or warping caused by heat or pressure
chipped	a defect in the surface of an object caused by a blow to that object; material that has been broken away
cracked	fracturing of a metal in a brittle manner along a single or branched path; in painting, any separation in the paint layer, the ground, or the support. Cracks may be caused by accidental blows, long storage at low temperatures, sudden changes in temperature, the nature of the support, or defective materials.
crackle	a network of cracks in a fine, overall pattern on the surface of a painting, usually caused by the embrittlement of the paint film as it ages
crazing	an overall pattern of shallow cracks running in a variety of directions on the surface or coating
dented	a defect in the surface of an object, caused by a blow; a simple concavity
discoloration	a stain; in painting, a yellowing of the varnish
dusty	loose soil generally distributed on the surface of an art object
faded	a discoloration of a material, usually where parts have been unprotected from light
flaking	small, thin, flat pieces of layered material that have been separated from their support

frayed	threads or fibers at the ends of textiles that have become unraveled or loosened
fungi	molds, mildews, or rusts that subsist upon living organic matter
gouged	a defect in the surface of an object, or an instance where material has been scooped out
graffiti	words, phrases, or drawings written on an art object
humidity	dampness; a moderate degree of wetness in the atmosphere
encrustation	a hard coating, an inlaying or addition of inappropriate material upon the surface of an art object
loose	a part of an art object that is not securely fastened or attached to another part of the object
loose threads	fibers that are not securely fastened to or interwoven with other threads within a textile; unbound threads
marked	marred with distinctive lines, spots, scars, or dents on the surface
matting	material, usually paper, which is used to frame art objects, often serving as a frame within a frame
mildew	a whitish coating upon an art object, caused by humidity and the accompanying growth of fungi
mold	a fungi that invades organic substances
overpainting	painting over an original painting, mural, or fresco
pest	any insect that infests an art object
rusted	a reddish-brown coating formed on the surface of iron or steel when the object is exposed to moisture or otherwise chemically attacked
sagging	a drooping or hanging down unevenly, caused by weight or pressure upon an art object
scraped	a surface layer of an art object that has been removed through abrasive contact with a rough or sharp object
scratched	the surface of an art object that has been marked or marred by something sharp enough to carve into the surface
separated joints	severed joints that are separated because of pressure, humidity, or force
shrinkage	the loss of weight, substance, or size of a textile due to humidity or other forces
soiled	a general term denoting any dirtiness, staining, or smirching of an object
torn	a break in fabric, paper, or other material as a result of tension or exterior stress
unraveled	separated or disentangled threads of a textile
warped	a distortion of the plane of an object, usually caused by dampness

5.5.6. Fine Arts Missing Artwork Worksheet

See section 4.4.5 for missing artwork procedure.

U.S. GENERAL SERVICES ADMINISTRATION FINE ARTS PROGRAM FINE ARTS MISSING ARTWORK WORKSHEET	
FA Number: _____	Date: _____
Artist: _____	
Title: _____	
When was the object discovered as missing? _____	
Where was it last seen? _____	
When was the last inspection performed? _____	
Was the piece on loan? Y/N _____ If yes, who was the borrower? _____	
Address and phone number: _____	
Has the piece been reported as missing to the Federal Protective Service (FPS)? Y/N _____ If so, when and what is the report number? _____	
Did FPS report it to the Federal Bureau of Investigation's National Stolen Art File? Y/N _____	
Additional comments: _____	
Filled out by: _____	Date: _____

5.6. Conservation

See sections 4.4.10 through 4.4.12 for conservation information.

5.6.1. Sample Scope of Work for Conservation Services

STATEMENT OF WORK

DATE

Estimator: NAME

1. The work of art is located in the BUILDING NAME in CITY, STATE. It was inspected on DATE. Please call Regional Fine Arts Officer, NAME, TELEPHONE NUMBER.
2. The following work of art requires conservation assessment and treatment.

SUBJECT: TITLE
ARTIST: ARTIST
MATERIAL: LIST OF MATERIALS IN ARTWORK
SIZE: DIMENSIONS – H x W x D
ITEM ID: ACCESSION NUMBER

BACKGROUND:

BRIEF DESCRIPTION OF ARTWORK
LOCATION AT SITE
DATE OF INSTALLATION

CONDITION:

The recent on-site inspection (DATE) DESCRIPTION OF INSPECTION RESULTS. The most recent inspection data is included.

DATES OF PREVIOUS TREATMENTS, ISSUES RELATED TO ARTWORK; ATTACH REPORTS.

3. Required services will include both condition assessment and, if necessary, conservation treatment. Services will include but not be limited to the following:
 - a. **Conservation Condition Assessment**
 - i. Perform an on-site examination of the artwork to determine the current condition.

- ii. The Conservator will be responsible for providing the necessary professional services to ensure that the proposed conservation treatment will not have an adverse impact upon the aesthetic, historic, and physical integrity of the artwork.
- iii. Prepare written and photographically documented Condition Assessment/ Treatment Recommendations Report as follows:
 - 1. Written Report: A written report will include the following: a description of the current condition; the scope of recommended treatment; a time estimate for all work; and a cost estimates for work. The content and format of the report should follow requirements stated in Section C.2.5 of the Solicitation No. GS-xxx-xx-xxx-xxxx. Indefinite Quantity Contract for Art Conservation Services, GSA. Additionally, both copies of the reports shall be written in Microsoft Word 9.0 and above and laser –printed on acid-free archival paper.
 - 2. Photographic Documentation: Digital photographs shall document current conditions. They will be submitted electronically as TIFF files; and as 4” X 6” prints on Epson Premium Glossy or Epson Premium Luster (semi-gloss) paper with a printer producing 3.5 – 6 megapixels, such as an Epson R800 printer.
 - 3. CD's will be stored with the report in Tyvex envelopes.
- iv. No allowance will be made after the issuance of the work order due to failure on the part of the conservator to be acquainted with the scope of work required. Therefore, the conservator should verify all dimensions, familiarize himself with existing conditions (including dates and times that work may be performed), and obtain full knowledge of ANY AND ALL difficulties that may be encountered during the execution of this work.

b. Conservation Treatment

- i. Following the assessment of the work of art and submission of the recommendations for treatment, the Conservator shall conduct conservation treatment. Conservation treatment may include but not be limited to the following:
 - 1. LIST ITEMS
 - 2. xxx
 - 3. xxx
- ii. It may be required that conservation treatment is reversible in order to ensure that removal of materials and techniques will not endanger the physical welfare of the artwork. The known character of the artwork should not be modified. As much as possible, deteriorated passages will be conserved instead of being replaced. The treatment prescribed shall be the safest and least intrusive conservation method so as not to compromise the original integrity of the artwork, and should follow the guidelines for the American Institute for the Conservation of Historic and Artistic Works (AIC) Code of Ethics and Standards of Practice.

- ii. Prepare a written and photographically documented Treatment Report as follows:
 - 1. Written Report: A written report will include the following: a description of the condition before treatment; a description of the treatment; and recommendations for maintenance and care. Specific direction for installing a barrier will be given. The content and format of the report should follow requirements stated in Section C.2.5 of the Solicitation No. GS-xxx-xx-xxx-xxxx Indefinite Quantity Contract for Art Conservation Services, GSA. Additionally, both copies of the reports shall be written in Microsoft Word 9.0 and above and laser –printed on acid-free archival paper.
 - 2. Photographic Documentation: Digital photographs shall document key aspects of the treatment and the work of art after treatment. They will be submitted electronically as TIFF files; and as 4" X 6" prints on Epson Premium Glossy or Epson Premium Luster (semi-gloss) paper with a printer producing 3.5 – 6 megapixels, such as an Epson R800 printer.
 - 3. 3. CD's will be stored with the report in Tyvex envelopes.
- iii. If the nature of treatment changes from the accepted treatment proposal after treatment is started, the Conservator will inform the Client in writing before beginning such treatment.

C. No allowance will be made after the issuance of the work order due to failure on the part of the conservator to be acquainted with the scope of work required. Therefore, the conservator should verify all dimensions, familiarize himself with existing conditions (including dates and times that work may be performed), and obtain full knowledge of ANY AND ALL difficulties that may be encountered during the execution of this work.

D. The Government reserves the right to visit the conservator's studio or site during the conservation.

4. Contract Completion

All services required under this contract are to be completed in two phases as outlined above. The first Conditions Assessment Phase will be completed within 90 calendar days after receipt of the delivery order. The Conservation Treatment phase will be completed no later than 365 calendar days after receipt of the original delivery order.

5. Payment

The Government reserves the right to withhold final payment to the Conservator in the event that the Conservator fails to perform any portion of the contract to the Government's satisfaction. Final payment will be made upon satisfactory completion of required services and inspection by appropriate GSA official.

The Government reserves the right to visit the conservator's studio or site during the conservation.

5.6.2. Sample Independent Government Estimate for Conservation Services

INDEPENDENT GOVERNMENT ESTIMATE Art Conservation Services

I certify to the best of my knowledge and belief that the estimate reflects the value of the requisition based on the fixed prices of the contract and is complete and accurate.

Signature:

Date:

Project: Condition Assessment/Treatment Recommendation
TITLE OF ARTWORK

Estimator:

ASSESSMENT

LABOR:

	<u>Hourly Rate</u>	x	<u>Estimated Hours</u>	=	<u>Cost \$</u>
Surveyor/Assessor (1):	\$ 00.00	x	00	=	\$ 0000.00
Assessment technician (1)	\$ 00.00	X	00	=	\$ 000.00
Subtotal:				=	\$ 0000.00

PHOTOGRAPHS:

	<u>Cost \$</u>
1. Photographs	= \$ 000.00
2. Report	= \$ 000.00
Subtotal: = \$ 000.00	

SUPPLIES/MATERIALS:

	<u>Cost \$</u>
Materials	\$ 00.00
Subtotal: = \$ 00.00	

TRAVEL COSTS

	<u>Cost \$</u>
Airfare	= \$ 000.00
Accommodations X # OF NIGHTS @ \$00.00	= \$ 000.00
Per diem # OF DAYS @ 100% + 2 DAYS @ 75%	= \$ 000.00
Ground transport	= \$ 000.00
Car rental and gas	= \$ 000.00
Subtotal = \$ 000.00	
TOTAL = \$ 0000.00	

5.7. Emergencies and the Fine Arts

See section 4.5.2 for Fine Arts component of COOP procedure.

5.7.1. Fine Arts Component of COOP - Checklist

Before -	Completed	Action
Prepare		Appoint a local responsible party (fine arts officer, asset manager, facility manger).
		Inventory & prioritize assets at each site.
		Identify emergency personnel and telephone number (local museum professional, local conservator).
During -	Completed	Action
Response		Remove portable works of art from emergency situations and place in a secure location (local museum, university gallery).
		Secure installed artwork at site. Protect, cover, wrap or enclose artwork from emergency situation if possible.
		Notify appropriate personnel of actions taken:
		▪ Facility manager
		▪ Regional fine arts officer and Fine Arts Program manager
		▪ Federal Protective Service
After -	Completed	Action
Recovery		Salvage all parts of artwork. Retrieve, package and label any pieces or parts of artwork.
		Assess damage to artwork. Complete Fine Arts damage report.
		Contact emergency local conservator for professional assessment/stabilization.
		Report all damage and current location of artwork to regional fine arts officer and Fine Arts Program manager

5.7.2. Sample Format for Fine Arts Component of COOP

SENSITIVE, BUT UNCLASSIFIED
For GSA Staff Only

REGION # FINE ARTS EMERGENCY PROCEDURES FOR WORKS OF ART IN THE FINE ARTS COLLECTION

INDEX

INTRODUCTION

- Authorities & Objectives of Emergency Planning
- Objectives of the Fine Arts Component of COOP

PREPAREDNESS

- Mitigating and Preparedness Measures
- Fine Arts Emergency Personnel
- Identification of Prioritized Works of Art
- Emergency Response Contractors

RESPONSE PROCEDURES

- Response Measures
- Emergency Handling of Portable Works of Art

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- Recovery Measures
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- Transportation and Storage

TERMINATION OF EMERGENCY

APPENDICES

- A. WORKS OF ART INVENTORY AND LOCATION SHEET
- B. PRIORITIZED LISTING OF WORKS OF ART
- C. EMERGENCY PLAN TRACKING SHEET
- D. DAMAGE REPORT

INTRODUCTION

Authorities and References

The Occupant Emergency Plan (OEP), 44 CFR 101-2 focuses on protecting life and property in federally occupied space under certain emergency conditions, and directs the formation of an occupant emergency organization to perform OEP tasks. The National Response Plan (NRP) and GSA Order 2400.18, GSA Emergency Management Program, outline the role of GSA in providing support for domestic emergency operations in which there is Federal involvement. The NRP provides guidance for the GSA role in a broad context of Federal response to a major disaster or emergency, while the OEP focuses on getting Federal employees and others safely out of a facility under a variety of threat conditions. FEMA's Federal Preparedness Circular (FPC) 65 provides guidance to Federal agencies for developing Continuity of Operations Plans (COOP). In general, implementation of the OEP is the first step in responding to an emergency condition that affects a GSA site.

Objectives of Emergency Planning

The primary objectives of emergency planning are as follows:

1. To anticipate and, if possible, to avoid emergencies.
2. To retain control when an emergency occurs.
3. To recover control as quickly as possible if control is lost.¹

Objectives of the Fine Arts Component of COOP

It is the policy of GSA to respond quickly at all levels in the event of an emergency in order to continue essential operations.

This emergency plan is intended to mitigate the loss of and damage to the works of art in the GSA's Fine Arts Collection. The plan deals with works of art that are considered portable. This means that they are not part of the building fabric and are easily removed from the building. The list of the works of art that this plan covers is listed in Appendix A.

GSA's Fine Arts Collection represents the history, ideals, and culture of our country. To insure its protection and preservation for future generations, the Fine Arts Program maintains an accurate record of the current identification, location, condition, and appropriate contact for works of art in the collection.

¹ National Park Service, Museum Handbook, Part 1, Chapter 10, p. 2.

PREPAREDNESS

Mitigating and Preparedness Measures

Mitigating measures seek to eliminate or reduce the hazards that threaten the collection. Mitigation takes place in advance of an anticipated hazard. For example, mitigation can be as simple as providing a Plexiglas case that covers and protects a sculpture from airborne pollutants, theft and or physical damage.

Preparedness measures are put in place so that responsible personnel can act appropriately during an emergency, particularly if a disaster might be imminent and they might be able to avert it or minimize consequent damage. Preparedness includes staff training and the development of call up lists.

Fine Arts Emergency Personnel

As part of preparedness, contacts have been established to aid in the response to emergencies. In the event there is an emergency involving works of art in GSA's Fine Arts Collection, contact one of the following people.

REGIONAL CONTACTS

NAME
Regional Fine Arts Officer
PHONE NUMBERS (Desk and Cell)
EMAIL ADDRESS

NATIONAL OFFICE, DESIGN EXCELLENCE AND THE ARTS

NAME
Director, Design Excellence and the Arts
PHONE NUMBERS (Desk and Cell)
EMAIL ADDRESS

NAME
Fine Arts Program Manager
PHONE NUMBERS (Desk and Cell)
EMAIL ADDRESS

NAME
Fine Arts Program
PHONE NUMBERS (Desk and Cell)
EMAIL ADDRESS

Office of the Chief Architect
Main office 202-501-1888

ALTERNATE GSA FINE ARTS CONTACTS

If the primary contacts listed above are not available, contact the following staff members. If the fine arts staff members are not able to be located, follow the Response Procedures.

PROVIDE CONTACT INFORMATION

Identification of Prioritized Works of Art

In certain instances, emergencies come with forewarning. If time permits and only a few works of art can be protected from damage, a list of works of art that should receive priority is listed in Appendix B. These works of art have been prioritized for artistic, historical and/or monetary value and in most cases the works of art are irreplaceable.

Emergency Response Contractors

ART TRANSPORT (transport, installation, removal and storage)

PROVIDE COMPLETE CONTACT INFORMATION FOR FIRMS

CONSERVATORS (located in the local/regional area)

PROVIDE COMPLETE CONTACT INFORMATION

RESPONSE PROCEDURES

Response Measures

Response measures are actions taken when a disaster strikes, and when mitigating and preparedness measures have failed to prevent a disaster. The purpose of response measures is to protect the works of art or prevent the artworks from further damage, so that they do not deteriorate further before they can receive attention from professional conservators. Response measures attempt to retain or to reestablish control over the situation.

In the event of an emergency involving GSA works of art, please notify one or more of the following staff members:

REGIONAL CONTACTS

NAME

Regional Fine Arts Officer

PHONE NUMBERS (Desk and Cell)
EMAIL ADDRESS

NATIONAL OFFICE, DESIGN EXCELLENCE AND THE ARTS

NAME
Director, Design Excellence and the Arts
PHONE NUMBERS (Desk and Cell)
EMAIL ADDRESS

NAME
Fine Arts Program Manager
PHONE NUMBERS (Desk and Cell)
EMAIL ADDRESS

NAME
Fine Arts Program
PHONE NUMBERS (Desk and Cell)
EMAIL ADDRESS

Office of the Chief Architect
Main office 202-501-1888

If regional and national Fine Arts staffs are not available, refer to the listing of alternate Fine Arts contacts.

Emergency Handling of Portable Works of Art

Unless absolutely necessary, works of art should be left until professional help arrives. However, if professional help is not available and the works of art need to be removed in order to stop damage and there is no imminent personal danger, follow these procedures:

1. Select the nearest safe location.
2. If a work of art is broken, be sure to collect all the pieces and keep them together.
3. Carefully move the artwork(s) following the handling instructions below, to a (preferably lockable) location out of the emergency area.

PAINTINGS (portable)

- Never insert fingers between the canvas and the stretcher bars.
- Do not touch the front or back of the painting.
- Never allow any objects to touch or rest against the front or back of the painting surface.
- Do not carry paintings by the top of the frame. Carry it with one hand under the frame and one hand to the side, or with a hand on either side of the frame.
- If there appears to be loose or flaking paint either on the painting or the frame, carry the painting flat, painted surface up, to prevent flakes from falling off.
- Paintings should never be stacked. However, when rapid response is necessary and safe space is limited, paintings might need to be leaned together against a wall. If

this is the case, place the paintings face-to-face and back-to-back, ensuring that the frames overlap and that nothing is in direct contact with the painting surfaces.

SCULPTURE (portable)

- Use extreme care when handling sculpture.
- Do not drag or push sculpture.
- For small sculptures, use one hand to support the bottom of the object and the other hand and arm to support the sides.
- Never lift a sculpture by a projecting section.
- Use a cart, if possible, to move more than one sculpture at a time.
- Always be careful of where hands are placed: gold leaf, painted works are easily damaged.
- Collect and preserve fragments that have broken off the sculptures. Save all pieces.

RECOVERY PROCEDURES

Recovery Measures

Recovery measures occur after an event has happened. They are designed to enable the return to normality in an orderly, phased, reasoned, and methodical fashion. Recovery measures begin when the disaster situation has stabilized and professionals have evaluated the damage and suggested further, long-term actions. Recovery can be a long process, taking years in some cases. Recovery measures solidify control over the situation.²

Recovery activities begin after the emergency has been stabilized.

Inventory

1. Account for the works of art at all times by documenting each work of art's location. A tracking sheet (Appendix C) should be used to record the artwork's location—if it has been moved—and its condition. In order to account for all the works of art, see Appendix A for a complete listing of the works of art.
2. If an object has been damaged, the Fine Arts Damage Report (Appendix D) should be completed and submitted to the Fine Arts Staff and/or the presiding conservator.
3. Monitor the climate of the locations of the works of art, (either if the works of art have been moved or a temporary storage location has been designated). Do not allow the relative humidity to exceed 68%. This will protect the objects from mold and mildew. To decrease the relative humidity, dehumidifiers and large fans can be set up in the temporary storage location.
4. Contact a qualified conservator to assess the condition of the artwork. A list of local conservators is listed in the emergency contractors section.

² Ibid, p. 9.

Transportation and Storage

- If the objects need to be transported from the GSA building, refer to the emergency contractors section on page 5 for qualified local art handlers.
- The primary location for the storage of works of art is at the National Fine Arts Storage Facility located in Alexandria, Virginia. If you need to have works transported to this facility, please contact Fine Arts Program at the national office.

National Fine Arts Storage Facility
311 Hooffs Run
Alexandria, Virginia 22314-4646

Phone 703-548-9389

[NAME](#)
Fine Arts Program Manager
[PHONE NUMBERS \(Desk and Cell\)](#)
[EMAIL ADDRESS](#)

[NAME](#)
Fine Arts Program
[PHONE NUMBERS \(Desk and Cell\)](#)
[EMAIL ADDRESS](#)

- There are a number of local art handling businesses that contract out storage for works of art. Refer to the emergency contractors section for qualified art storage facilities.

TERMINATION OF EMERGENCY

The regional fine arts officer will oversee the reinstallation of each work of art to its original site or its transfer to a new location, and assure that the climate and temperature controlled environment is reinstated.

APPENDIX A – Inventory of Artworks in Region

1. LIST OF PERMANENTLY INSTALLED ARTWORKS AT A BUILDING

FINE ARTS COMPONENT/COOP- INVENTORY

BUILDING:	NUMBER	BUILDING NAME
CONTACT:	Name:	Address/Tel.:

ART	ID #	ARTIST	TITLE	INSTALLED LOCATION	PROTECT/ COVER	STORAGE LOCATION	CONSERVATOR CONTACT	DATE RETURNED
IMAGE	AA or FA #						NAME ADDRESS TELEPHONE	
IMAGE	AA or FA #						NAME ADDRESS TELEPHONE	
IMAGE	AA or FA #						NAME ADDRESS TELEPHONE	
IMAGE	AA or FA #						NAME ADDRESS TELEPHONE	
IMAGE	AA or FA #						NAME ADDRESS TELEPHONE	
IMAGE	AA or FA #						NAME ADDRESS TELEPHONE	

2. Inventory of Portable Artworks in a Building

BUILDING:	BUILDING NUMBER/NAME	ADDRESS
CONTACT:	Name	Telephone

ART	ID #	ARTIST	TITLE	MEDIUM	DIMENSIONS	INSTALLED LOCATION
IMAGE	AA or FA #	NAME	TITLE OF ARTWORK			Room #
IMAGE	AA or FA #	NAME	TITLE OF ARTWORK			Room #
IMAGE	AA or FA #	NAME	TITLE OF ARTWORK			Room #

APPENDIX B: FINE ARTS COLLECTION: REGION #
Prioritized Listing of Works of Art

The following works of art are listed according to [name division most useful for region, i.e., service center, city, county](#). Artworks that are not portable should be assessed for treatment according to this list.

CITY, STATE:

Building: Name: Smith U.S. Courthouse
Location: 1 Main Street

FA# Artist: John Doe
Title: Justice Sub-location: main entrance
Medium: Bronze

FA# Artist: Jane Doe
Title: Images of Justice Sub-location: 2nd floor, lobby
Medium: oil on canvas

FA# Artist
Title Sub-location
Medium

FA# Artist
Title Sub-location
Medium

Building: Name: Jones Federal Building
Location: 2 Main Street

FA# Artist: Sally Smith
Title: Untitled Sub-location: cafeteria
Medium: mosaic

CITY, STATE

Etc.

5.7.3. Fine Arts Program Damage Report

See section 4.4.7 for damage and incident report procedure.

U.S. GENERAL SERVICES ADMINISTRATION FINE ARTS PROGRAM DAMAGE REPORT	
FA Number: <u>FA1681</u>	
Date: <u>1977</u>	
Artist: <u>Eversley, Frederick</u>	
Title: <u>Untitled</u>	
When was the damage discovered? <u>On April 19, 1995 the Alfred P. Murrah Building in Oklahoma City, OK was bombed. After rescue activities, the building was demolished on May 23, 1995. This is one of 22 works of art retrieved from the building.</u>	
What was the cause of damage? I.e. Accident, Vandalism, Deterioration? Water, Heat, Mold, Smoke? <u>Domestic terrorism/bombing</u>	
What are the physical changes that occurred? _____	
What is the damage estimate? Irreparable? <u>X</u> Requires Treatment? _____	
If the object broke, were all the pieces recovered? <u>NO</u> If so, where are they located? _____	
What is missing? <u>Piece broken off, approximately 1/3 broken off.</u>	
Additional comments: _____	
Filled out by: <u>NAME and TELEPHONE NUMBER</u>	Date: _____

Appendices

- A. Who to Call
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APPENDIX A. Who To Call

Central Office Personnel

Office of the Chief Architect

202-501-1888

DESIGN EXCELLENCE AND THE ARTS (PCAA)			
Casey Jones, Director	202-219-8651 casey.jones@gsa.gov	PCAA	3341
Avila, Nicole	202-219-0411 nicole.avila@gsa.gov	PCAA	3341
Baker, Kimberly	202-208-1148 kimberly.baker@gsa.gov	PCAA	3341
Brennan, Patrick (PJ)	202-501-1572 pj.brennan@gsa.gov	PCAA	3341
Caine, William	202-501-4271 william.caine@gsa.gov	PCAA	3341
Carr, Mary Margaret	202-501-1554 mary.carr@gsa.gov	PCAA	3341
Erickson, Kathryn	202-501-4332 kathy.erickson@gsa.gov	PCAA	3341
Gibson, Jennifer	202-501-0930 jennifer.gibson@gsa.gov	PCAA	3341
Harrison, Susan	202-501-1812 susan.harrison@gsa.gov	PCAA	3341
Lednum, Taylor	202-208-5561 taylor.lednum@gsa.gov	PCAA	3341
McIntyre, Jonathan	202-501-3592 jonathan.mcintyre@gsa.gov	PCAA	3341
Pilone, Renee	202-219-0186 renee.pilone@gsa.gov	PCAA	3341

Regional Personnel

Regional Fine Arts Officers (RFAOs)

New England Region	Fred Amey	1PC	617-565-5835 frederick.amey@gsa.gov
Northeast and Caribbean Region	Charlotte Cohen	2PX	212-264-1536 Charlotte.cohen@gsa.gov
Mid-Atlantic Region	Eileen Giordano	3PM	215-446-4623 eileen.giordano@gsa.gov
	Trudy Wang	3PM	215-446-4618

			trudy.wang@gsa.gov
Southeast Sunbelt Region	Audrey Entorf	4PHD	404-331.0060 audrey.entorf@gsa.gov
Great Lakes Region	Caroline Sachay	5PM	312-353-0744 caroline.sachay@gsa.gov
	Mike Finn	5PM	312-886-3529 michael.finn@gsa.gov
Heartland Region	Sylvia Rose Augustus	6PCP	816-823-4905 sylvia.augustus@gsa.gov
Greater Southwest Region	Steve Kline	7PT	817-978-4229 steve.kline@gsa.gov
Rocky Mountain Region	Janet Gressly	8PF	303-236-8000 x5248 janet.gressly@gsa.gov
Pacific Rim Region	Ken Wong	9PCN	415-522-3084 ken.wong@gsa.gov
	Don Douglass	9PCN	415-522-3145 don.douglass@gsa.gov
Northwest/Arctic Region	B. Story Swett	10PC	253-931-7796 story.swett@gsa.gov
National Capital Region	Christine Ewing	WPC	202-205-4010 christine.ewing@gsa.gov

Professional Organizations

American Institute for the Conservation of Historic & Artistic Works (AIC)
1156 15th Street, NW, Suite 320
Washington, DC 20005
202-452-9545
202-452-9328 FAX
aic.stanford.edu

Regional Alliance for Preservation (RAP)
rap-arcc.org

American Association of Museums (AAM)
1575 Eye Street, NW, Suite 400
Washington, DC 20005
202-289-1818
202-289-6578 FAX
aam-us.org

Heritage Preservation
1730 K Street, NW, Suite 566
Washington, DC 20006-3836
202-634-1422/888-388-6789
202-634-1435 FAX
heritagepreservation.org

ICOM – International Council of Museums
Maison de l'UNESCO
1 rue Miollis
75732 Paris Cedex 15
France
(33 1) 4734 0500
(33 1) 4306 7862 FAX
icom.museum/

National Endowment for the Arts
AssessAbility
Paula Terry, Director
1100 Pennsylvania Avenue, NW,
Room 724
Washington, DC 20506
202-682-5532
nea.gov

Appraisers Association of America, Inc.
386 Park Avenue South, Suite 2000
New York, NY 10016
212-889-5404
212-889-5503 FAX
appraisersassoc.org

American Society of Appraisers
555 Herndon Parkway, Suite 125
Herndon, VA 20170
703-478-2228
703-742-8471 FAX
appraisers.org

APPENDIX B. Federal Legal Requirements

40 U.S.C. 101 et seq., formerly the Federal Property and Administrative Services Act of 1949 (the Property Act).

Provides GSA with the authority to procure and supply real and personal property and nonpersonal services. Specifically, the Property Act authorizes the Administrator of GSA to maintain, operate, and protect buildings, property, or grounds, including the construction, repair, preservation, demolition, furnishing, equipping, and disposal of such buildings. It also authorizes GSA to enter into leases of real property not exceeding 20 years in duration.

Federal Managers' Financial Integrity Act of 1982

(Public Law 97-255, Sept. 8, 1982, 96 Stat. 814 repealed; provisions contained in 31 U.S.C. 3512)

The Federal Managers' Financial Integrity Act (31 U.S.C. 3512), as implemented by the Office of Management and Budget (OMB) Circular No. A-123, establishes procedures for internal financial and managerial accountability and control.

Public Buildings Act of 1959, as amended

(40 U.S.C. 3302-3315)

Authorizes GSA to acquire any building and its site by purchase, donation, condemnation, exchange, or otherwise. It provides that only the Administrator of GSA may construct public buildings, including the repair and alteration of such buildings. It establishes requirements for the acquisition, alteration, and construction of public buildings and provides the authority for the Administrator of GSA to delegate authority to other Federal agencies. The act authorizes GSA to conduct building surveys at the request of Congress and to conduct continuing investigations and surveys of public building needs and to submit prospectuses of proposed building projects to Congress. The act also contains a limitation on GSA's ability to spend money above a certain threshold for the acquisition, construction, alteration, or lease of a building without the submission of a prospectus to Congress.

Public Buildings Amendments of 1972

(40 U.S.C. 581, 586, 592, 3305, 3307)

This provision amended the Property Act to establish a fund (Federal Buildings Fund) in the United States Treasury into which Federal agency rental payments and certain other moneys are deposited. Moneys deposited into the fund are available, subject to congressional appropriation, for real property management and related activities. This law also amended the prospectus requirements in the Public Buildings Act of 1959 and established a purchase-contract building program.

Public Buildings Cooperative Use Act of 1976

(40 U.S.C. 3301, 3306)

Authorizes the Administrator of GSA to enter into leases of certain space in public buildings with persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities or to make such space available on an occasional (temporary) basis (or by lease) to persons, firms, or organizations engaged in cultural, educational, or recreational activities where the Administrator deems the activities are in the public interest and where the activities will not disrupt the operation of the building. This act also encourages GSA to acquire and use buildings of historic, architectural, and cultural significance.

Acceptance and Disposal of Real Property Assets Given to the United States

These laws authorized GSA to accept:

- Unconditional gifts of real and personal property in aid of any agency project or function (40 U.S.C. 3175).
- Gifts of real property for reduction of the national debt (31 U.S.C. 3113).
- And to dispose of real property acquired by devise (40 U.S.C. 1305).

Postal Reorganization Act, as amended, August 12, 1970

(39 U.S.C. 101 et seq.)

Provides for the transfer of selected Federal properties from the General Services Administration (and other agencies) to the Postal Service. Included in this transfer was "all real property 55 percent or more of which is occupied by or under the control of the former Post Office Department. . . ." (39 U.S.C. 2002(c)(4))

National Historic Preservation Act of 1966, as amended (NHPA)

(16 U.S.C. 470 et seq.)

Requires the identification and preservation of historic properties under the custody and control of Federal agencies, including GSA. In general terms, the NHPA requires that GSA consider and minimize the effects of its actions on all historic properties and districts. In certain circumstances, the NHPA requires consultation with State Historic Preservation Officers, the National Advisory Council on Historic Preservation, and other interested parties before the commencement of agency projects (e.g., building construction or repair and alteration projects).

Historic Sites Act of 1935

(16 U.S.C. 461-467)

Gives certain authorities to the Secretary of the Interior to preserve historic sites, buildings, and objects, including the authority to acquire, operate, and manage historic and prehistoric properties.

Antiquities Act of 1906

(16 U.S.C. 431-433)

Authorizes the President to declare historic landmarks, structures, and other objects on lands owned or controlled by the Federal Government as national monuments. Establishes penalties for anyone who excavates, injures, or destroys any historic or prehistoric ruin, monument, or object of antiquity on lands owned or controlled by the Federal Government.

Visual Artists Rights Act of 1990

(17 U.S.C. 106A)

Provides "moral rights" to artists creating works of visual art after June 1, 1991. These rights are chiefly the rights of attribution and integrity. They provide that all artists have rights controlling the use of their name in relation to their work, the right to prevent any modification of their work that would be prejudicial to their reputation, and the right to prevent the destruction of their work if it is of recognized stature. These rights are vested with the artists throughout their entire lifetime, and may prohibit removal, modification, or destruction of artwork.

The Copyright Act of 1976

(17 U.S.C. 102(a))

Provides protection to authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works.

Architectural Barriers Act of 1968 (ABA)

(42 U.S.C. 4151-4157)

Establishes standards for accessibility by physically handicapped persons and requires compliance with the standards in the design, construction, and alteration of buildings and facilities owned or leased, in whole or in part, by the Federal Government. The ABA also includes certain recordkeeping and reporting requirements.

Americans with Disabilities Act of 1990

(42 U.S.C. 12181 et seq. and 28 CFR Part 36)

Prohibits discrimination on the basis of disability and requires the design, construction, and alteration of places of public accommodations and commercial facilities in compliance with the Americans with Disabilities Act Standards for Accessible Design. The Accessibility Guidelines are contained 28 CFR Part 36.

Chapter 102—Federal Management Regulation

Subchapter C—Real Property, Part 102-77--Art-in-Architecture (41 CFR 102-77)

Establishes that Federal agencies must incorporate fine arts as an integral part of the total building concept when designing new Federal buildings and when making substantial repairs and alterations to existing Federal buildings, as appropriate.

APPENDIX C. GUIDING PRINCIPLES FOR FEDERAL ARCHITECTURE

The Guiding Principles for Federal Architecture were authored by Senator Daniel Patrick Moynihan, then an assistant to the Secretary of Labor, in June 1962 and issued by President Kennedy. They established a three-point policy for Federal architecture, art, and urban design:

1) The policy shall be to provide requisite and adequate facilities in an architectural style and form which is distinguished and which will reflect the dignity, enterprise, vigor, and stability of the American National Government. Major emphasis should be placed on the choice of designs that embody the finest contemporary American architectural thought. Specific attention should be paid to the possibilities of incorporating into such designs qualities which reflect the regional architectural traditions of that part of the Nation in which buildings are located. Where appropriate, fine arts should be incorporated in the designs, with emphasis on the work of living American artists. Designs shall adhere to sound construction practice and utilize materials, methods and equipment of proven dependability. Buildings shall be economical to build, operate and maintain, and should be accessible to the handicapped.

2) The development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa. The Government should be willing to pay some additional cost to avoid excessive uniformity in design of Federal buildings. Competitions for the design of Federal buildings may be held where appropriate. The advice of distinguished architects ought to, as a rule, be sought prior to awarding important design contracts.

3) The choice and development of the building site should be considered the first step of the design process. This choice should be made in cooperation with local agencies. Special attention should be paid to the general ensemble of streets and public places of which Federal buildings will form a part. Where possible, buildings should be located so as to permit a generous development of landscape.

Report to the President by the Ad Hoc Committee on Federal Office Space, June 1, 1962.

APPENDIX D. Fine Arts Program History

The Fine Arts Collection consists of permanently installed and moveable mural paintings, sculpture, architectural or environmental works of art, and works on paper dating from the 1850s to the present. These civic works of art are located in Federal buildings and courthouses across the United States. An additional 18,000 small moveable New Deal works of art are on long-term loan to museums and other nonprofit institutions. Maintained by GSA as a part of our national and cultural heritage, the Fine Arts Collection serves as a reminder of the important American tradition of individual creative expression.

History

Since the beginning of the American republic, architecture and art have played a fundamental role in creating our national identity. The Federal Government has commissioned inspiring civic architecture and art that celebrate our nation's democracy and ideals. The result is a legacy of magnificent and cherished Federal buildings and works of art in communities across the country. The Fine Arts Collection represents the history, culture, and ideals of our country--from the heroic, allegorical figures in the late 19th century beaux arts style to the monumental art deco and art moderne forms of the 1930s-1940s New Deal programs to the diverse expressions of contemporary artists today through the Art in Architecture Program.

From inception to present, the Fine Arts Collection has two distinct characteristics--artwork is commissioned to adorn and enhance civic structures and is paid for with taxpayers' funds--so it belongs to the American people. The Office of the Supervising Architect of the Department of the Treasury administered the construction of Federal buildings throughout the nation from 1852 to 1939. The earliest works in the Fine Arts Collection date to the mid-19th century when Auguste de Frasse was commissioned to create bas reliefs for the Marble Hall of the U.S. Custom House in New Orleans, Louisiana, in the 1850s. Following the devastation of the American Civil War, the Federal Government used architecture and art to reassure, inspire, and promote national unity. By the 1880s, the country was experiencing a period of great growth and increased wealth, and as travel became easier, architects and artists studied abroad. One result of their travels was a public architecture influenced by the Second Empire style in France. Painting, sculpture, and architectural ornamentation were inspired by a rediscovery of classicism and the use of symbolic and allegorical figures to reference the activities of the buildings they adorned.

New Deal Art Projects

During the New Deal era,¹ the Federal Government administered four separate public art programs: the Public Works of Art Project (PWAP), the Federal Art Project (FAP), the Treasury Relief Art Project (TRAP), and the Section of Fine Arts. During their operation from 1933 to 1943, these programs proved unprecedented in both their size and scope. Though public art had been commissioned by the Government in the years before the New Deal era, never before had the Federal Government administered a formal art program, let alone four distinctive programs. By the end of 1943, the projects had generated hundreds of thousands of civic works of art.

The distinguishing characteristics of each program are outlined in the following summaries.

Public Works of Art Project, 1933-1934: The PWAP was the first Federal relief program for artists. Almost 4,000 artists were on the PWAP payroll and received weekly salaries. When the program ended, more than 15,000 works of art had been created. Many of them were lent to Government officials and Federal agencies or allocated to public institutions, such as orphanages, libraries, schools, and museums.²

The Section of Fine Arts, 1934-1943: Originally called the Section of Painting and Sculpture, the Section (as it was commonly referred to under both names) was administered by the U.S. Treasury Department. The Section's primary objective was to "secure suitable art of the best quality available" for the embellishment of public buildings.³ Artworks created under the Section comprised site-specific murals and sculptures for newly constructed Federal buildings and post offices. Unlike the other New Deal art programs, the Section awarded commissions through competitions and paid artists a lump sum for their work. In total, the Section commissioned over 1,300 murals and 300 sculptures.⁴

Treasury Relief Art Project, 1935-1938: While TRAP was under the supervision of the Treasury Department, it received funding from the Works Progress Administration (WPA). The funding made it possible for TRAP to provide paintings and sculptures for new Federal buildings, such as post offices and courthouses, in which there were no funds available from the

¹ The phrase "new deal" was first used by Franklin D. Roosevelt in 1932, when he accepted the Democratic nomination for president and promised a "new deal for the American people." Since then, "New Deal" has been used as a label for Roosevelt's administration and its numerous achievements in domestic economic reform during the 1930s and 1940s.

² Report of the Assistant Secretary of the Treasury to Federal Emergency Relief Administrator, PWAP, (Washington: U.S. Government Printing Office), 1934.

³ U.S. Treasury Department Press Release, October 1938.

⁴ Final Report, Section of Fine Arts, Public Buildings Administration, October 16, 1934 to July 15, 1943.

building appropriation. In addition, TRAP also made possible the decoration of Federal buildings that had been erected before the Section came into being. Following employment guidelines similar to those of the WPA, TRAP typically selected artists from relief rolls and paid them a weekly or monthly wage. During its 3-year existence, TRAP employed over 400 artists to create paintings, murals, and sculptures.⁵

Works Projects Administration, Federal Art Project (later called the WPA Art Program), 1935-1942: The FAP was the largest of the New Deal art programs in both scope and the number of artists employed. Its most productive period lasted until 1939. During a massive reorganization of all New Deal relief programs, FAP was renamed the WPA Art Program and reduced in size. By the time it was discontinued in 1942, the WPA's Federal Art Project and Art Program had produced more than 108,000 easel paintings, 11,300 fine prints, 2,500 murals, and 18,800 sculptures.⁶

In 1939, the Federal Works Agency was established to consolidate those agencies of the Federal Government dealing with public works not incidental to the normal work of other departments and to administer Federal grants or loans to State and local governments or other agencies for the purposes of construction. The work and activities of the Federal Works Agency include public roads, public buildings, and community facilities. The Federal Property and Administrative Services Act of 1949 transferred all functions of the Federal Works Agency, which included New Deal artwork, to GSA.

WPA Artwork in Non-Federal Repositories

In 1934, the Federal Government began the process of loaning or allocating (a restricted transfer of title) portable works of art produced under the various New Deal art projects to museums and other public agencies. In 1994, GSA began cataloging New Deal artwork as part of a National Survey of Federally Associated Collections Housed in Non-Federal Institutions conducted by the Department of the Interior Museum Property Program. This initial inventory identified more than 10,000 GSA works of art in non-Federal repositories. Today, GSA's Fine Arts Program continues to locate and inventory these New Deal artworks housed in non-Federal repositories. To date, over 18,000 works of art have been identified in museums, libraries, and universities across the United States.

Postwar Period

In the late 1940s and 1950s, the commissioning of artwork for new Federal buildings continued through the Public Buildings Service, in cooperation with the Commission of Fine Arts in Washington, DC. The Public Buildings Service

⁵ Cecil H. Jones, Acting Chief, TRAP, Memorandum to Edward Bruce, May 26, 1937.

⁶ Final Report on the WPA Program, 1935-1943, (Washington: U.S. Government Printing Office), 1947. p. 65.

consulted with the Commission on the recommendation of painters and sculptors for the "decoration" of Federal buildings.

Art in Architecture Program

The Art in Architecture Program was established in 1963, based on the recommendations of President Kennedy's Ad Hoc Committee on Federal Office Space. The Committee's report contained the Guiding Principles for Federal Architecture, which recommended that "where appropriate, fine art should be incorporated into the designs of federal buildings with emphasis on the work of living American artists." To accomplish this, GSA allocates at least one-half of one percent of the estimated cost of construction of each new Federal building or major repair and alteration projects of existing buildings to commission civic works of art appropriate to the building.

Once works of art commissioned by the Art in Architecture program are installed, they become part of the Fine Arts Collection.

Architectural Models

In 2001, the Fine Arts Program initiated the stewardship and curation of architectural models. This collection includes historic models and renderings, early models from the Public Buildings Service, and recent projects from the Design Excellence Program. Each model, whether of plaster, wood, or plastic, is a testament of the architect's creative vision and helps illustrate the design elements of the proposed structure. As construction projects unfold, the architectural model is an important element, helping others to envision the final appearance of the space, its relationship to the people it will accommodate, and the setting in which it will be built. These models also provide a historical record for future generations.

APPENDIX E. Art in Architecture Program Policies and Procedures

To be included following final review and approval.

APPENDIX F. Fine Arts Program Installation Standards

The Fine Arts Collection is installed in a working office environment and therefore not subject to the protection of temperature and humidity controls, security, and light filtering found in museum environments.

The principal causes of environmentally induced damage are water, light, temperature, relative humidity, air pollutants, and pests. To protect the Fine Arts Collection from these and other forms of damage, the following standards must be applied whenever possible.

1. Light

Museum standards for lighting works of art range from **5 to 10 footcandles** for extremely light-sensitive materials such as **paper and textiles**, to **20 to 40 footcandles** for moderately sensitive materials such as **oil paintings and wood**.¹

To prevent damage from light, the following precautions must be followed:

- a) Reduce daylight. Because natural light causes significantly more damage than an equivalent amount of incandescent light, light-sensitive artworks must be placed in a location that minimizes daylight exposure. If this is not possible, light levels must be minimized with curtains, blinds, or tinted solar reduction window films.
- b) Create efficient lighting solutions. The eye adapts to a wide variety of illumination intensities. Reduction in contrast between sources of illumination, wall surfaces, and the art permits lower levels of satisfactory illumination. For example, a dark painting against a dark wall is easier to look at than if it were exhibited on a highly reflective white wall. Techniques for glare reduction, such as the use of indirect or angled light, help use light in an efficient manner.
- c) Filter sources of ultraviolet (UV) light with UV filters. Apply UV filters over windows or replace glazing with UV filtered glazing. Place UV filters over fluorescent light tubes.
- d) Use light sources with a low component of UV, such as incandescent lamps.
- e) Avoid infrared light from direct sunlight.

¹Caring for Your Collections, National Committee to Save Cultural Collections (Harry N. Abrams, Inc., NY, 1992), 20-21.

- f) Rotate light-sensitive collections. For example, a museum might exhibit very light-sensitive materials, such as textiles and works of art on paper, for only 2 months per year.

2. Temperature

The main concern with temperature is rapid fluctuation. While extreme heat and extreme cold can be very damaging to an artwork, rapid fluctuation in temperature causes materials to expand and contract, and different materials expand and contract at different rates, compounding possible damage.

The average ideal temperature for artwork is 70 °F, but more important than the ideal is to limit fluctuation to no more than +/- 5° within a 24-hour period.

To mitigate temperature problems:

- a) Understand the HVAC system. Keep doors between zones closed.
- b) Keep exterior doors closed.
- c) If the HVAC system goes down, keep the doors closed as long as possible to retain the conditioned air.
- d) Do not place art near HVAC vents or intakes.

NOTE: Temperature directly affects relative humidity. Relative humidity measurements indicate the percentage of water vapor in the air based on what the air at that temperature could hold (100 percent). A decrease in temperature causes an increase in relative humidity.

3. Relative Humidity (RH)

Relative humidity is based upon the percentage of water vapor in the air, compared to what the air can hold at 100 percent (full saturation) at a given temperature. A decrease in temperature causes an increase in relative humidity. "It is difficult to provide one rule about a safe and appropriate level of RH that holds true for a wide variety of climatic regions or for collections made up of a variety of materials."²

Rather than a specific rule, the following guidelines should be followed:

- a) Keep within an **RH range of 30 to 70 percent**. In a hot and dry geographic region it makes sense to maintain a range that errs on

² Ibid., 24.

the low side (20 to 40 percent), while in semitropical climates a range of 55 to 75 percent may be practical.

- b) Minimize fluctuations in relative humidity. If they are unavoidable, gradual RH changes are better than severe fluctuations.

4. Air Pollution

Air pollution comes from contaminants produced inside and outside, and includes both particulate pollutants (for example, dirt, dust, soot, ash, fibers, and molds) and gaseous pollutants (for example, sulphur dioxide, hydrogen sulphide, formaldehyde, and ozone). Steps can be taken to reduce the problem of air pollutants, including:

- a) Regular vacuuming to controls indoor-generated dust from fibrous materials such as carpeting and clothing.
- b) Restricting or filtering outdoor air to minimize dust from outdoors.
- c) Not placing artwork near a kitchen or HVAC ductwork.
- d) Keeping artwork away from tobacco smoke.

5. Pest Control

Many art objects are constructed of organic materials that are attractive food or nesting sources for a wide variety of pests. A preventive pest management program must:

- a) Monitor for the presence of pests and identify those that are discovered.
- b) Determine the means of entry and close off points of access typically used by pests to infiltrate the building, such as windows, doors, and drains.

If fumigation or extermination is required a conservator must be consulted to ensure that the extermination method itself will not damage the artwork.³

³ Ibid, 29.

APPENDIX G. Conservation Guidelines and Qualifications for Fine Arts Conservators

What Is Conservation?

The American Institute for the Conservation of Historic and Artistic Works (AIC) offers the following definitions of conservation terminology:

Conservation - The profession devoted to the preservation of cultural property for the future. Conservation activities include examination, documentation, treatment, and preventive care, supported by research and education.

Cultural property - Objects, collections, specimens, structures, or sites identified as having artistic, historic, scientific, religious, or social significance.

Preservation - The protection of cultural property through activities that minimize chemical and physical deterioration and damage and that prevent the loss of informational content. The primary goal of preservation is to prolong the existence of cultural property.

Restoration - Treatment procedures intended to return cultural property to a known or assumed state, often through the addition of nonoriginal material.

Stabilization - Treatment procedures intended to maintain the integrity of cultural property and to minimize deterioration.

Qualifications for Fine Arts Conservators

Fine arts conservators in a specific area of expertise must have at minimum a Masters degree from an accredited university graduate program in conservation and a minimum of 5 years' experience in their specialized field of fine art conservation. Additionally, the conservator must have qualifications and experience equivalent to those required to be a Professional Associate (PA) or Fellow of the American Institute for the Conservation of Historic and Artistic Works (AIC). The AIC defines these categories of membership as follows:

Professional Associate: Professional Associates (PAs) are conservators, conservation scientists, educators, or others professionally involved in conservation who, through training, knowledge, and experience, have shown a commitment to the purposes for which the AIC was established. The PA category was

established in 1980. Effective January 1997, a conservator who has earned an undergraduate university degree (or the international equivalent) may apply for PA status after completing 2 years of basic conservation training and acquiring at least 3 years of experience in his/her special field beyond the training period (third/fourth year degree program internships are considered training). Applicants without an undergraduate degree may still apply, but first must request a waiver from the Membership committee. Applications for PA must be supported by three Fellows or PAs. Candidates must agree in writing to abide by the *Code of Ethics* and *Guidelines for Practice*.

Fellow - In addition to the qualifications required for election to PA membership, a candidate for Fellow must have a minimum of ten years of experience after conservation training and two years prior membership as a PA. This equivalent can be waived for an international equivalent. Moreover, evidence must be submitted of sustained high-quality professional skills and ethical behavior. Applicants for Fellow status must also demonstrate that they have participated in an exchange of ideas regarding methods. Professional recommendations from five AIF Fellows must be included with the application.¹

¹ Directory: The American Institute for Conservation of Historic & Artistic Works 2008 (Washington, D.C.), AIC-2.

APPENDIX H. Legal Title to Artwork Produced Under the WPA

LEGAL TITLE TO ART WORK PRODUCED UNDER THE WORKS PROGRESS ADMINISTRATION

I. Background

The Department of the Treasury began Federal art patronage in 1933. The programs operated under different branches of the Department of the Treasury. In 1940, all Treasury Programs were transferred to the Federal Works Agency.

The Works Progress Administration began the Federal Art Project in 1935. In 1939, it was renamed the Works Projects Administration Art Program and was also transferred to the Federal Works Agency.

The General Services Administration (“GSA”) became the custodian of works of art produced under the Works Projects Administration (“WPA”) and other programs in 1949. The Federal Property and Administrative Services Act of 1949 created the GSA and all functions of the Federal Works Agency were transferred to the GSA.

II. General Concepts of Federal Property Ownership

The authority for the federal government to own, use and dispose of property is found in the Constitution at Article 4, Section 3, Clause 2. The courts have interpreted this clause to mean that only Congress has the power to procure, use or dispose of property, real or personal, for the benefit of the federal government and the public. Allegheny County, PA v. United States, 322 U.S. 174 (1944). Authority to exercise these powers can be given to the executive branch (federal agencies) by laws enacted by Congress, but such laws will be strictly construed. Id. Therefore, federal property can only be disposed by an act of Congress, either by general enabling legislation (such as GSA’s authority under the Federal Property and Administrative Services Act of 1949) or by specific legislation.

Based on the above, the courts have held that the federal government cannot abandon property. United States v. Steinmetz, 763 F. Supp. 1293 (D.N.J. 1991), aff’d, 973 F.2d 212 (3rd Cir. 1992). “It is well settled that title to property of the United States cannot be divested by negligence, delay, laches, mistake, or unauthorized actions by subordinate officials.” Id. Furthermore, inactivity, neglect or unauthorized intentional conduct on the part of government officials will not divest the United States of ownership interest in property. Kern Copters, Inc. v. Allied Helicopter Serv., Inc., 277 F.2d 308 (9th Cir. 1960); United States v. City of Columbus, 180 F. Supp. 775 (S.D. Ohio 1959).

Congress may attach reasonable conditions to the disposal of property. Tennessee Valley Authority v. Lenoir City, Tenn., 72 F. Supp. 457 (E.D. Tenn. 1947). If the purchaser/recipient does not want to take the property subject to these conditions, they may decline to proceed with the transaction. However, if the transaction is completed, the purchaser/recipient must comply with the conditions. Id.

The ownership interest held by the United States in any work produced under the Works Progress Administration or its predecessors, still remains vested in the United States, unless it can be shown to have been conveyed in a manner authorized by Congress.

III. Title to WPA Art Work

Work commissioned under the WPA was either loaned or allocated to federal, state and local governmental entities and tax supported organizations, or non - profit organizations. During the operation of the WPA art program, it was clearly stated that the federal government would hold full legal title to art work on long term loan and title remains in the government today. However, legal title to art work distributed under the allocation procedure was not clearly established while the WPA art program was ongoing.

To establish the status of ownership with regard to works allocated, GSA relied on the legal precedent discussed above, and on the regulations of the WPA as established in The Operation of Specific Professional and Service Projects, Operating Procedure No. G - 5, section 32, January 10, 1940 ("Operating Procedure"), and the Public Works of Art Program Bulletin issued by the Assistant Secretary of the Treasury on March 26, 1934, titled "Legal Title to Works Produced under the Public Works of Art Project" ("Bulletin").

The relevant portions of the Operating Procedure with regard to allocations are as follows:

1. Section 32, Part A, 1st paragraph: "For the purposes of this section the word 'allocated' shall mean the transfer of title."
2. Section 32, Part C, 3rd paragraph: "If an agency or institution which has received a work of art on allocation or loan desires to be released from the responsibility of custody of the work, the official representative of the agency or institution shall communicate with the Director of the WPA Art Program, Washington, D.C."
3. Request for Allocation Form, end of page: "It is understood that custody of the work listed above will not be transferred and that the work will be exhibited for public use as indicated. Institutions desiring to be released of any work shall communicate with the Director of the Work Projects Administration - Art Program, Federal Works Agency, Washington, D.C."
4. Receipt for Allocation of Works of Art: "It is understood and agreed that the allocation of these works is subject to the regulations of the WPA Art Program and is for the purpose which we have indicated on REQUEST FOR ALLOCATION, executed by us."

The relevant portions of the Bulletin with regard to allocations are as follows:

1. Paragraph 1: "All works of art executed with the intent that they should occupy a particular place in some public building are to be treated as a part of that building."
2. Paragraph 3: "All works of art produced by the project which are movable and not executed to occupy some particular location are the property of the Federal Government and will be in the custody for the Federal Government of the various Regional and Sub - Regional Committees and the Central Office in Washington."¹

In the first section of the Operating Procedure quoted above, it states that allocated means the transfer of title. On the portion of the Request for Allocation form, quoted in paragraph 3 above, it states that custody of the work would not be transferred. Statements such as these, read separately and out of context from the Operating Procedure, have caused much confusion both within the government and among institutions. However, if these statements are read in the context of the entire Operating Procedure, a pattern emerges evidencing the intent of the original program.

The first section quoted indicates that some form of title was meant to be transferred in an allocation. However, Part C of the Operating Procedure, quoted above in paragraph 2, shows that the WPA intended to maintain some level of control over the works of art by providing a means of recovery if the custodian agency or institution no longer desired to be responsible for the work of art. This intent is reflected again in the Receipt for Allocated Works of Art form, quoted in paragraph 4 above.

Another example of the WPA's intent to keep some level of control over the works of art in the government can be seen in Part A, second paragraph of the Operating Procedure.² There it states that nonprofit institutions could receive works under the loan program, but only tax supported entities could receive the works by allocation.

It appears to be the intent of the Operating Procedure, and it is the position of GSA, that allocated works of art were transfers of restricted title. The receiving agency or institution received legal title to the works of art limited by the purpose stated in the allocation forms and by the regulations. For example, if a WPA work was allocated to be displayed in a public building by a state agency, and the state agency could no longer display the work, the legal rights to the work retained by the federal government would come into play. The state agency could not sell the work for profit, but must return it to the federal government. However, if the state agency would like to store the work, then display it again in the future, it can do so without triggering the reversionary rights of the federal government.

¹ The Bulletin only applies to works produced under the Department of Treasury's Public Works of Art Project (PWAP), which later became a part of the Federal Works Agency.

² This section is not quoted above, but a copy of the Operating Procedure is attached.

GSA applies this position to all movable works of art, including murals that are painted on canvas attached to the wall. If the art work is an integral part of the structure (murals, bas - reliefs and architectural ornamentation) and the structure is still owned by the original recipient of WPA art work, that institution is under an obligation to notify GSA if it no longer desires custody of the work. However, if the structure has been sold to a third party, the art work conveys with the structure and the federal government can no longer assert reversionary ownership rights in the work.³ GSA does request that any institution that has acquired a structure that contains WPA art work that is an integral part of the structure, and is preparing to destroy that art work, contact the GSA Fine Arts Program which may choose to preserve the work.

IV. Impact on Custodians of WPA Art Work

This position has no immediate impact on custodians of WPA art work. The GSA is attempting to catalog all works of art created under the WPA that are located in non - federal repositories, but has no intention of reclaiming any of these works unless requested to do so by the custodial agency or institution.

If you have questions regarding this issue, please contact:

Richard Butterworth
Office of General Counsel, Real Property Division
General Services Administration
18th & F Streets, N.W.
Washington, DC 20405
e - mail: Richard.butterworth@gsa.gov

³ Other laws may apply to WPA works of art even though the federal government no longer retains an ownership interest. For example, the National Historic Preservation Act of 1966 (NHPA), 16 U.S.C. §470, et seq., may apply to the structure if the structure is 50 years old or older. NHPA protects the original fabric of the building. Individual states also have laws that protect historical property.

APPENDIX I. Fine Arts Collection and Copyright Law

U.S. copyright law protects the rights of the creators of “original works of authorship fixed in any tangible medium of expression, now known or later developed.”¹ The author or creator is defined by the Supreme Court as “the person who translates an idea into a fixed, tangible expression.”²

However, copyright and ownership are separate interests. While GSA owns a work of art, it does not necessarily mean that it is the owner of the copyright. There are a number of rights associated with copyright law. The two rights that are most relevant to the Fine Arts Collection are the right to reproduce and the right to distribute copies of the work of art.

Federal Employees

Federal copyright law is codified in Title 17 of the United States Code and stipulates that “copyright protection under this title is not available for any work of the United States Government.”³ A work of the United States Government is “prepared by an officer or employee of the United States Government as part of the person’s official duties.” Consequently, when a Federal Government employee produces works of art as a part of his or her scope of work -- as was the case with some of the artists employed by the New Deal Federal art projects -- the works of art are not protected by copyright law.

This law affects the reproducibility of works of art in GSA’s Fine Arts Collection in that the works created under the Public Works of Art Project (PWAP), the Treasury Relief Art Project (TRAP), and the Works Progress Administration’s Federal Art Project (WPA/FAP) are not protected by copyright law. Under these programs, the artists were **employed** by the Federal Government to create art as part of their scope of work. Therefore these works of art can be reproduced and the copies may be distributed without concern for copyright infringement. While these works of art are not protected by copyright, GSA requires that the works of art be credited with the following credit line: Courtesy of the U.S. General Services Administration, Public Buildings Service, Fine Arts Collection.

Contract Employees

¹ Copyright Act of 1976, 17 U.S.C. 102(a).

² Community for Creative Non-Violence v. Reid, 490 U.S. 730, 737 (1989).

³ Copyright Act of 1976, 17 U.S.C. 105.

The question of copyright ownership becomes more complex when the Government commissions artists to create works of art. For example, the Treasury Department's Section of Painting and Sculpture (later renamed the Section of Fine Arts) contracted artists during the 1930s and early 1940s and the GSA's Art in Architecture Program continues to contract artists to create site-specific works of art. In either case, these artists are not considered employees of the Federal Government and are not necessarily prohibited from retaining a copyright interest in the work of art. In order to definitively determine the owner of copyright, the contract must be reviewed or legal counsel sought. Ideally, the issue of copyright is clearly agreed to by the parties in the artist's contract.

A chart is provided in order to assist with the determination of copyright status. Further information on the basics and duration of copyright protection is available online at: www.copyright.gov.

FEDERAL ART PROGRAM	ART PROTECTED BY COPYRIGHT?	EXPLANATION
Public Works of Art Project (1933-1934)	No	The artists were Federal employees; therefore, the works they produced became part of the public domain and are reproducible.
The Section of Painting and Sculpture The Section of Fine Arts (1934-1943)	Most likely no, but must be determined on a case-by-case basis.	The artists were contracted to complete works of art for the Federal Government; therefore, the determination of copyright would depend on the terms of the contract. In many cases, the Federal Government stated in the artist's contract that the full size cartoon, the completed mural, and "all the rights of the Artist therein, shall become the property of the United States..." ⁴
Treasury Relief Art Project (1935-1939)	No	The artists were Federal employees; therefore, the works they produced became part of the public domain and are reproducible.
Federal Arts Project/ Works Progress Administration (1935-1942)	No	The artists were Federal employees; therefore, the works they produced became part of the public domain and are reproducible.
Art in Architecture Program (1963-present)	Yes	Most contracts state that the artist retains copyright. In order to definitively determine the owner of copyright, the contract must be referenced or legal counsel must be consulted.

⁴ Form 8651-a, Public Buildings Administration, Federal Works Agency contract, 1941.

APPENDIX J. Emergencies and Emergency Planning

An emergency is a sudden, usually unexpected event that does, or could do, harm to people, resources, property, or the environment. Emergencies can range from localized events that affect a single office in a building, to human, natural, or technological events that damage or threaten local, regional, or national operations. The emergency could cause the temporary evacuation of personnel or the permanent displacement of personnel and equipment from the old site to a new operating location.¹

Emergencies may be caused by natural disasters, accidents, or human activity, including:²

- fire
- flood
- storms (including hurricanes, snow, and tornados)
- earthquakes (and mudslides)
- volcanoes (including lava flow)
- medical incidents caused by accidents, health hazards
- utility failure (electric, fuel, water)
- hazardous materials (air pollution, chemical spills, radiological materials)
- structural collapse
- transportation accidents
- civil unrest
- vandalism
- terrorism
- warfare

Objectives of Emergency Planning

The primary objectives of emergency planning are to:

1. Identify, anticipate, and avoid preventable emergencies.
2. Mitigate damage when an emergency occurs so that disaster is avoided or minimized.
3. Recover from disasters as quickly and professionally as possible so that no human life is lost and minimal collection damage and loss occurs.³

It is important to anticipate and identify special circumstances, situations, or geographic areas that create potential hazards such as earthquakes, floods, annual parades, etc., and provide protective measures or training.

¹ General Services Administration Continuity of Operations Planning, 1.8e. p.4.

² National Park Service, Museum Handbook, Part I, Chapter 10, 4-35.

³ Ibid., 1.

Protecting Artworks From Disasters

Protective measures fall into the following four categories, which are summarized below:

- Mitigating measures.
- Preparedness measures.
- Response measures.
- Recovery measures.

Before

Mitigating measures seek to eliminate the hazards that threaten the collection or to reduce the effect those hazards would have if they ever are manifested. Mitigation necessarily takes place in advance of something happening.

Preparedness measures are put in place so that responsible personnel can act appropriately during an emergency, particularly if a disaster might be imminent and they might be able to avert it or minimize consequent damage.

Preparedness includes staff training and the development of call up lists, resource lists, and stockpiles of supplies and equipment. Some preparedness measures must be put in place before anything happens, while others come into play only as an emergency develops.

During

Response measures are taken when a disaster strikes without warning, when mitigating and preparedness measures have failed to prevent a disaster, or when measures have been taken but damage has occurred anyway. The purpose of response measures is to prevent further damage to artworks and to stabilize those that have been damaged so that they do not deteriorate further before they can receive attention from professional conservators. Response measures attempt to retain or to reestablish control over the situation.

After

Recovery measures occur after an event has happened. They are designed to enable the return to normality in an orderly, phased, reasoned, and methodical fashion. Recovery measures begin when the disaster situation has stabilized and professionals have evaluated the damage and suggested

further, long-term actions. Recovery can be a long process, taking years in some cases. Recovery measures solidify control over the situation.